



PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

JUNE 5, 2020



PREPARED BY:

ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

**Planning and Zoning Commission /
Local Planning Agency
(PZC / LPA)**

James Dunn District #1

Diane Velazquez District #2

Eddie Fernandez District #3
Vice Chairperson

Carlos D. Nazario, Jr. District #4

J. Gordon Spears District #5
Chairperson

JaJa J. Wade District #6

Mohammed Abdallah At Large

Evelyn Cardenas At Large

Nelson Pena At Large

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Planning and Zoning Commission
June 5, 2020

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TABLE OF HEARINGS
Planning and Zoning Commission
June 5, 2020

<u>Case #</u> <u>Applicant</u>	<u>Request</u>	<u>Commission</u> <u>District</u>	<u>Recommendations</u> <u>Staff</u>	<u>PZC</u>	<u>BCC Hearing</u> <u>Required</u>
I. REZONING PUBLIC HEARINGS					
RZ-20-04-027 Guillermo Lopez, Loga Investments	<i>R-1A to R-1</i>	5	Approval	Approved	No
RZ-20-04-028 Glen William Austin	<i>R-1AA to R-1</i>	3	Approval	Approved	No
RZ-20-04-029 Eugeno Rodriguez, Villarod, LLC	<i>A-2 to R-1</i>	5	Approval w/ one (1) restriction	Approval w/ one (1) restriction	No
RZ-20-04-031 Bob Ziegenfuss	<i>C-1 to C-2</i>	6	Approval w/ two (2) restrictions	Approval w/ two (2) restrictions	No
II. PLANNED DEVELOPMENT REZONING PUBLIC HEARINGS					
LUP-19-01-044 Mary D. Solik West Orange Environmental Resources PD	<i>A-1 to PD</i>	1	Approval w/ ten (10) conditions	Approval w/ ten (10) conditions	Yes
LUPA-19-08-262 Robert Reese Registry on Grass Lake PD	<i>A-1 to PD</i>	1	Approval w/ ten (10) conditions	Approval w/ ten (10) conditions	Yes
LUP-18-10-334 Kathy Hattaway Gem Groves PD	<i>A-1 to PD</i>	1	Approval w/ twenty-seven (27) conditions	Approval w/ twenty-seven (27) conditions	Yes

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (¼ acre) Mobile Home - 2 acres	850	100	35	50	10	35	a
A-2	SFR - 21,780 (¼ acre) Mobile Home - 2 acres	850	100	35	50	10	35	a
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	a
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	a
R-CE-2	2 acres	1,200	250	45	50	30	35	a
R-CE-5	5 acres	1,200	185	50	50	45	35	a
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	a
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	a
R-1AA	10,000	1,200	85	25 ^h	30 ^h	7.5	35	a
R-1A	7,500	1,200	75	20 ^h	25 ^h	7.5	35	a
R-1	5,000	1,000	50	20 ^h	20 ^h	5 ^h	35	a
R-2	One-family dwelling, 4,500	1,000	45 ^c	20 ^h	20 ^h	5 ^h	35	a
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 ^d	20 ^h	30	5 ^h	35	a
	Three DUs, 11,250	500 per DU	85 ^j	20 ^h	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 ^j	20 ^h	30	10 ^b	35	a
R-3	One-family dwelling, 4,500	1,000	45 ^c	20 ^h	20 ^h	5	35	a
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 ^d	20 ^h	20 ^h	5 ^h	35	a
	Three dwelling units, 11,250	500 per DU	85 ^j	20 ^h	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 ^j	20 ^h	30	10 ^b	35	a
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	a
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	35	a
R-T-1								
^v SFR	4,500 ^c	1,000	45	25/20 ^k	25/20 ^k	5	35	a
Mobile home	4,500 ^c	Min. mobile home size 8 ft. x 35 ft.	45	25/20 ^k	25/20 ^k	5	35	a
R-T-2	6,000	SFR 500	60	25	25	6	35	a
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.						
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600	100	35	50	10	35	a
		Min. mobile home size 8 ft. x 35 ft.						

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
NR	One-family dwelling, 4,500	1,000	45 ^c	20	20	5	35/3 stories ^k	^a
	Two DUs, 8,000	500 per DU	80/90 ^d	20	20	5	35/3 stories ^k	^a
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ^k	^a
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories ^k	^a
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ^k	^a
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet ^k	^a
	One-family dwelling, 4,500	1,000	45 ^c	20	20	5	35/3 stories ^k	^a
	Two DUs, 11,250	500 per DU	80 ^d	20	20	5	35/3 stories ^k	^a
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ^k	^a
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail ^k	^a
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ^k	^a
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet ^k	^a
	One-family dwelling, 4,500	1,000	45 ^c	20	20	5	35/3 stories ^k	^a
	Two DUs, 8,000	500 per DU	80 ^d	20	20	5	35/3 stories ^k	^a
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ^k	^a
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail ^k	^a
	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ^k	^a
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	^a
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets ^e ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	^a

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^o	Min. rear yard (ft.) ^o	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ^f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	^a
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	^a

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-4	35	10	25	50, or 35 within 100 ft. of any residential use or district

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

- ^a Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
- ^b Side setback is 30 feet where adjacent to single-family district.
- ^c For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
- ^d For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that:
 - (i) are either platted or lots of record existing prior to 3/3/97, and
 - (ii) are 75 feet in width or greater, but are less than 90 feet, and
 - (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
- ^e Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- ^f Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- ^g Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- ^h For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
- ^j Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
- ^k Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
- ^m Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

BUFFER YARD REQUIREMENTS

Orange County Code Section 24-5.

Buffer yards prescribed are intended to reduce, both visually and physically, any negative impacts associated with abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

(a) *Buffer classifications:*

- (1) **Type A, opaque buffer:** This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
- (2) **Type B, opaque buffer:** This buffer classification shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (general and light) (I-2/I-3 and I-1/I-5) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (3) **Type C, opaque buffer.** This buffer classification shall be used to separate neighborhood retail commercial (C-1) and industrial-restricted (I-1A) from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (4) **Type D, opaque buffer:** This buffer classification shall be used to separate professional office (P-O) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (5) **Type E, mobile home and RV park buffer:** This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.
- (6) **Type F, residential subdivision buffer:** See subdivision regulations (Chapter 34, Orange County Code).

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

Case Planner:
Sapho Vatel

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: June 5, 2020

CASE # RZ-20-04-027

Commission District: #5

GENERAL INFORMATION

APPLICANT	Guillermo Lopez, Loga Investments, LLC
OWNER	Loga Investments, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	5421 Old Cheney Highway; or generally north of Old Cheney Hwy, approximately 170 feet west of Truman Road
PARCEL ID NUMBER	21-22-30-7204-12-070
TRACT SIZE	0.14-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred and sixty-five (165) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	One (1) Single-Family Residential Unit

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

This subject property is located within the S.R. 436/S.R. 50 Corridor Overlay District, north of Old Cheney Highway, approximately 170 feet west of Truman Road. The 50-foot lot was originally platted as two 25-foot lots (Lots 7 & 8). Currently, the aggregated lot is undeveloped.

Through this request, the applicant is seeking to rezone the subject property in order to construct one (1) single-family dwelling unit. The minimum lot width for R-1A requires 75 feet. The proposed R-1 requires a minimum of 50 feet, which the applicant will be able to comply with for the purpose of constructing one (1) single-family dwelling unit.

The immediate area can be characterized as developed with single-family lots that range from 50-foot wide lots to 100-foot wide lots in the R-1A and R-2 zoning districts. The zoning districts on the surrounding parcels have been established since 1957.

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The subject property is located within the S.R. 436/S.R. 50 Corridor Overlay District. The general purpose of this overlay district is to prohibit certain commercial uses.
Airport Noise Zone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This subject property is located within Airport Noise Zone "D". Any required noise mitigation will be required at the time of permitting.
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The subject property has an underlying CP Future Land Use Map (FLUM) designation of Low Medium Density Residential (LMDR). The R-1 (Single-Family Dwelling District) zoning is consistent with the LMDR FLUM designation and the following Comprehensive Plan provisions:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the

location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Undeveloped
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1957) E: R-1A (Single-Family Dwelling District) (1957) W: R-1A (Single-Family Dwelling District) (1957) S: R-1A (Single-Family Dwelling District) (1957) <i>*No restrictions apply to the above zoning districts</i>
Adjacent Land Uses	N: Single-Family Residence E: Single-Family Residence W: Single-Family Residence S: Single-Family Residence

R-1 (Single-Family Dwelling Districts) Development Standards

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.

Building Setbacks

Front: 20 ft.
Rear: 20 ft.
Side: 5 ft.

Intent, Purpose, and Uses

The areas included within R-1 (Single-Family Dwelling District) is intended to be single-family residential areas with large lots and low population densities. Certain structures and uses required to serve educational, religious, utilities and noncommercial recreational needs of such areas are permitted within the districts as special exceptions.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes within the project area: An Orange County maintained sidewalk exist along Old Cheney Highway from N. Semoran Blvd. to E. Colonial Drive.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orlando Utilities Commission

Waste Water: City of Orlando

Reclaim Water: City of Orlando

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (June 5, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

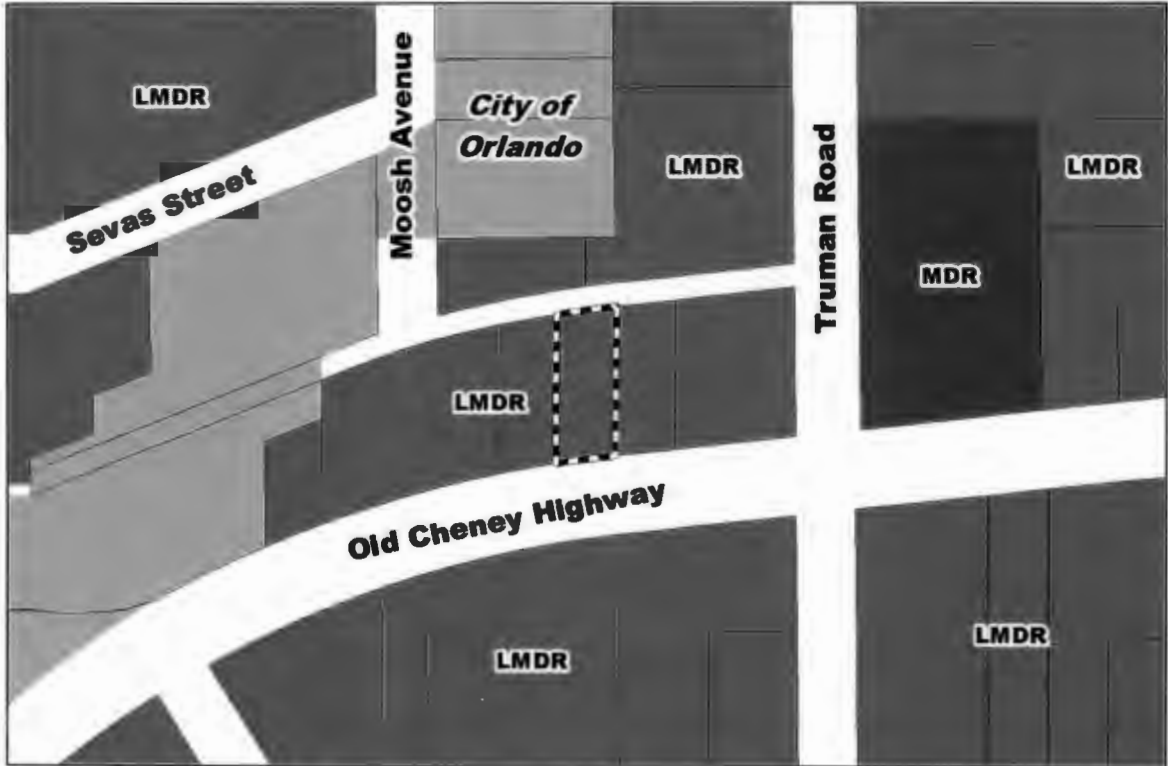
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) The applicant was present and agreed with the staff recommendation. No members of the public were present during public comment to speak on this request.

Staff indicated that one hundred sixty-five (165) notices were sent to property owners extending beyond 800 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition to the request.

There was no discussion on the proposed single-family residential dwelling unit. A motion was made by Chairman Gordon Spears, and seconded by Commissioner Velazquez to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried unanimously.

Motion / Second	<i>Gordon Spears / Diane Velazquez</i>
Voting in Favor	<i>Gordon Spears, Diane Velazquez, JaJa Wade, Evelyn Cardenas, Jimmy Dunn, Nelson Pena, Carlos Nazario and Eddie Fernandez</i>
Voting in Opposition	<i>None</i>
Absent	<i>Mohammed Abdallah</i>

RZ-20-04-027



Subject Property

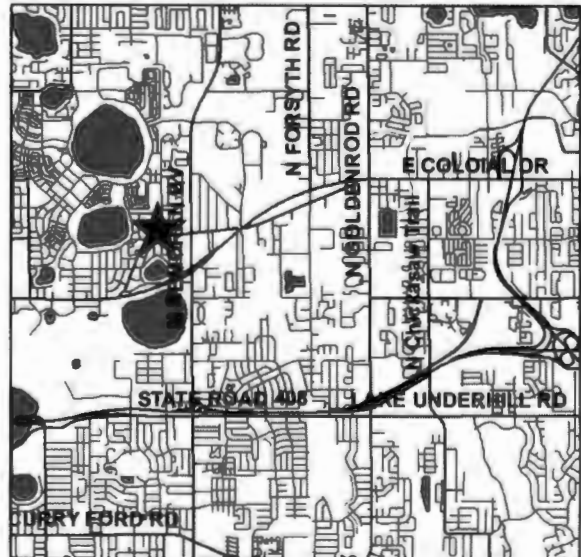


Subject Property

Future Land Use Map

FLUM: Low Medium Density Residential (LMDR)
APPLICANT: Guillermo Lopez, Loga Investments, LLC
LOCATION: 5421 Old Cheney Highway; or generally north of Old Cheney Hwy, approximately 170 feet west of Truman Road
TRACT SIZE: 0.14-gross acre
DISTRICT: # 5
S/TR: 21/22/30

1 inch = 125 feet



RZ-20-04-027



Subject Property



Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)

APPLICANT: Guillemo Lopez, Loga Investments, LLC

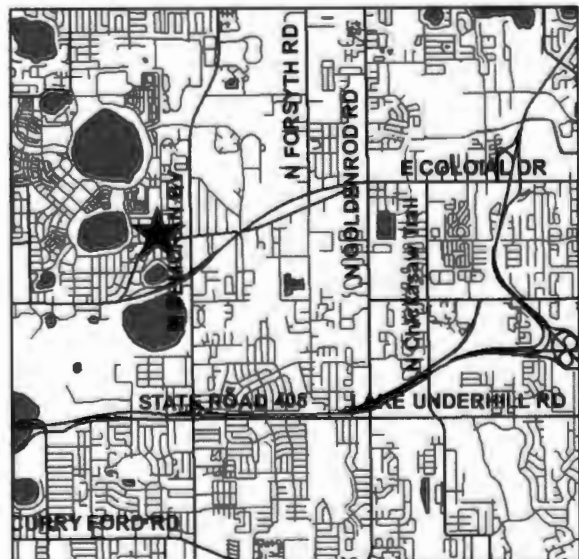
LOCATION: 5421 Old Cheney Highway; or generally north of Old Cheney Hwy, approximately 170 feet west of Truman Road

TRACT SIZE: 0.14-gross acre

DISTRICT: # 5

S/T/R: 21/22/30

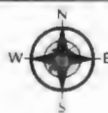
1 inch = 125 feet



RZ-20-04-027

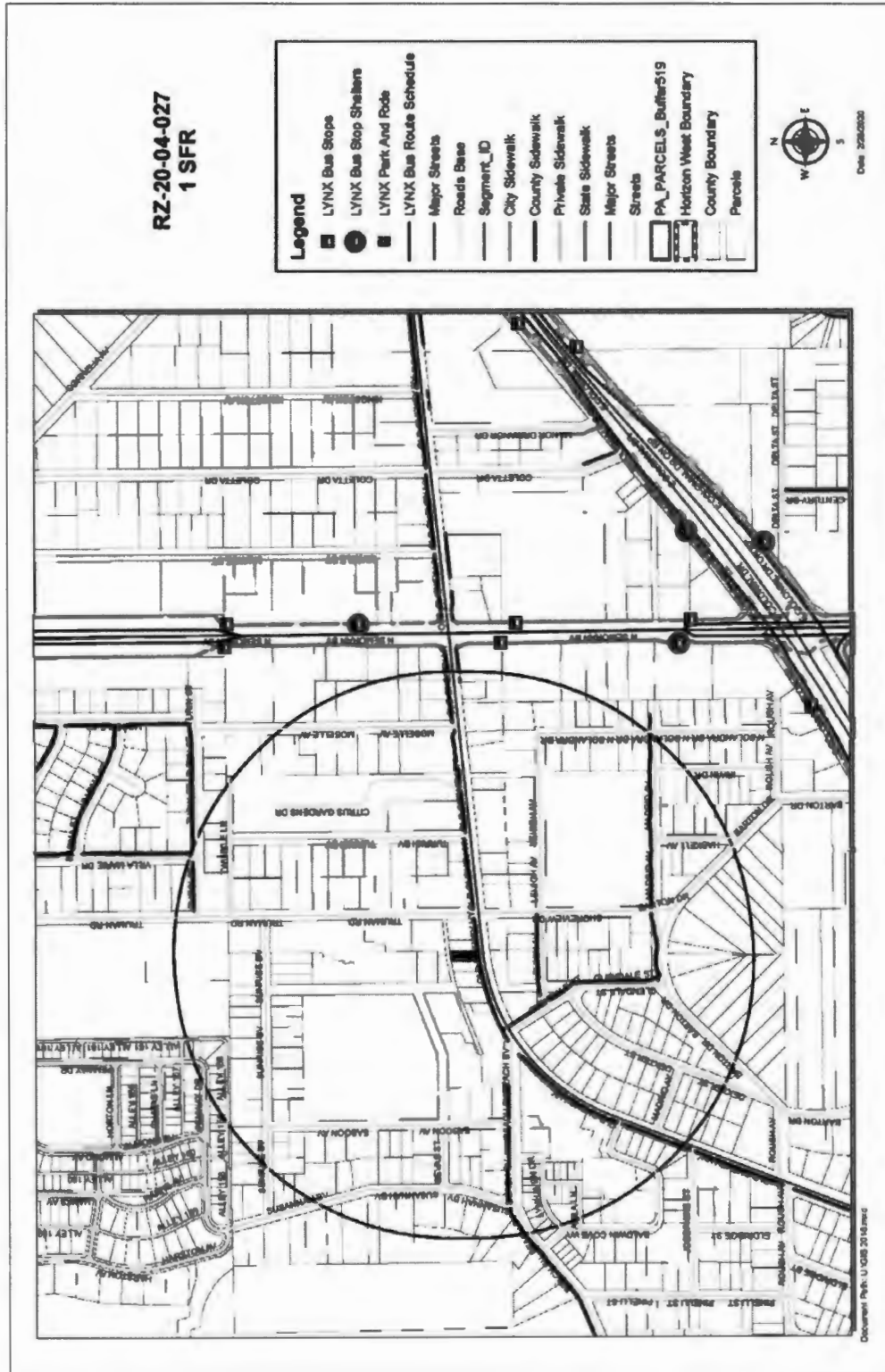


 Subject Property

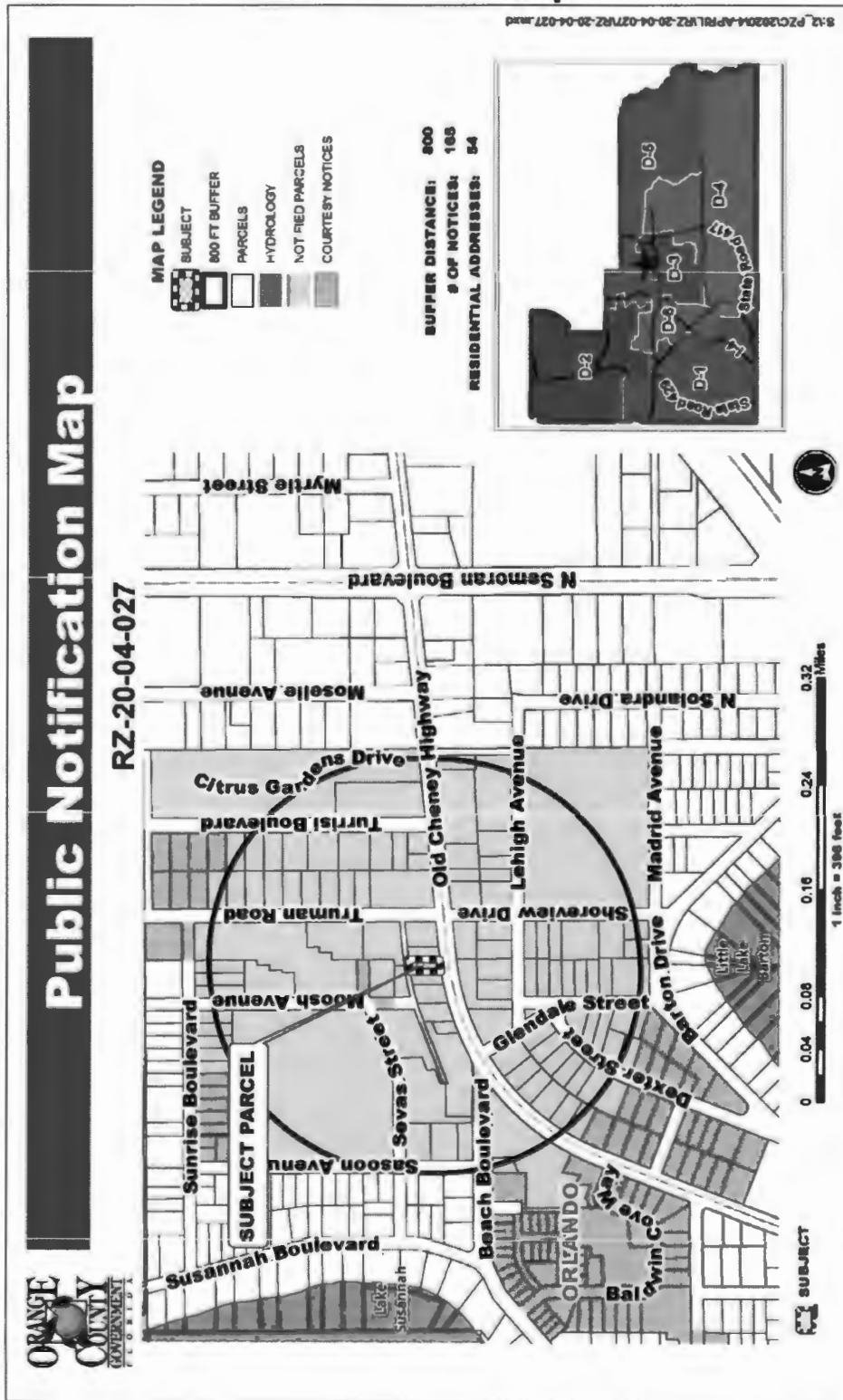


1 inch = 125 feet

Alternative Mobilty Area Context Map



Notification Map



CASE # RZ-20-04-028

Commission District: #3

GENERAL INFORMATION

APPLICANT	Glenn William Austin, G. William Austin Irrevocable Trust
OWNER	G. William Austin Irrevocable Trust
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1AA (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	3632 Bliss Avenue; or generally located north of Pershing Avenue, approximately 30 feet west of Bliss Avenue.
PARCEL ID NUMBER	12-23-29-0748-02-050
TRACT SIZE	0.26-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred and eighty-nine (189) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	One (1) Single-Family Residential Unit

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

This subject property is located within the Blissfield Homes subdivision north of Pershing Avenue, approximately 30 feet west of Bliss Avenue. The 60-foot wide lot was platted in 1955, and is currently undeveloped.

Through this request the applicant is seeking to rezone the subject property in order to construct one (1) single-family dwelling unit. The current zoning of R-1AA, requires a

minimum lot width of 85-feet. The proposed rezoning to R-1 would allow construction of one (1) single-family home on the 60-foot wide lot; as the minimum requirement is 50-feet. The immediate area can be characterized as developed, with a mixture of single-family detached dwelling units on 60-foot wide lots.

Land Use Compatibility

The R-1 zoning would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The subject property has an underlying CP Future Land Use Map (FLUM) designation of Low Density Residential (LDR). The R-1 (Single-Family Dwelling District) zoning is consistent with the LDR FLUM designation and the following Comprehensive Plan provisions:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or

conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Undeveloped
Adjacent Zoning	N: R-1AA (Single-Family Dwelling District) (1957) E: R-1AA (Single-Family Dwelling District) (1957) W: R-1AA (Single-Family Dwelling District) (1957) S: R-1AA (Single-Family Dwelling District) (1957) <i>*No restrictions apply to the above zoning districts</i>
Adjacent Land Uses	N: Single-Family Residence E: Single-Family Residence W: Single-Family Residence S: Single-Family Residence

R-1 (Single-Family Dwelling Districts) Development Standards

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.

Building Setbacks

Front:	20 ft.
Rear:	20 ft.
Side:	5 ft.

Intent, Purpose, and Uses

The areas included within the R-1 (Single-Family Dwelling District) zoning district is intended to be single-family residential areas with large lots and low population densities. Certain structures and uses required to serve educational, religious, utilities and noncommercial recreational needs of such areas are permitted within the districts as special exceptions.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes within the project area. There are Orange County maintained sidewalks along S. Summerlin Ave. from Baxter Street to Summer Winds Court. One single-family home is de minimus and a mobility analysis is not required.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orlando Utilities Commission

Waste Water: City of Orlando

Reclaim Water: City of Orlando

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (June 5, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

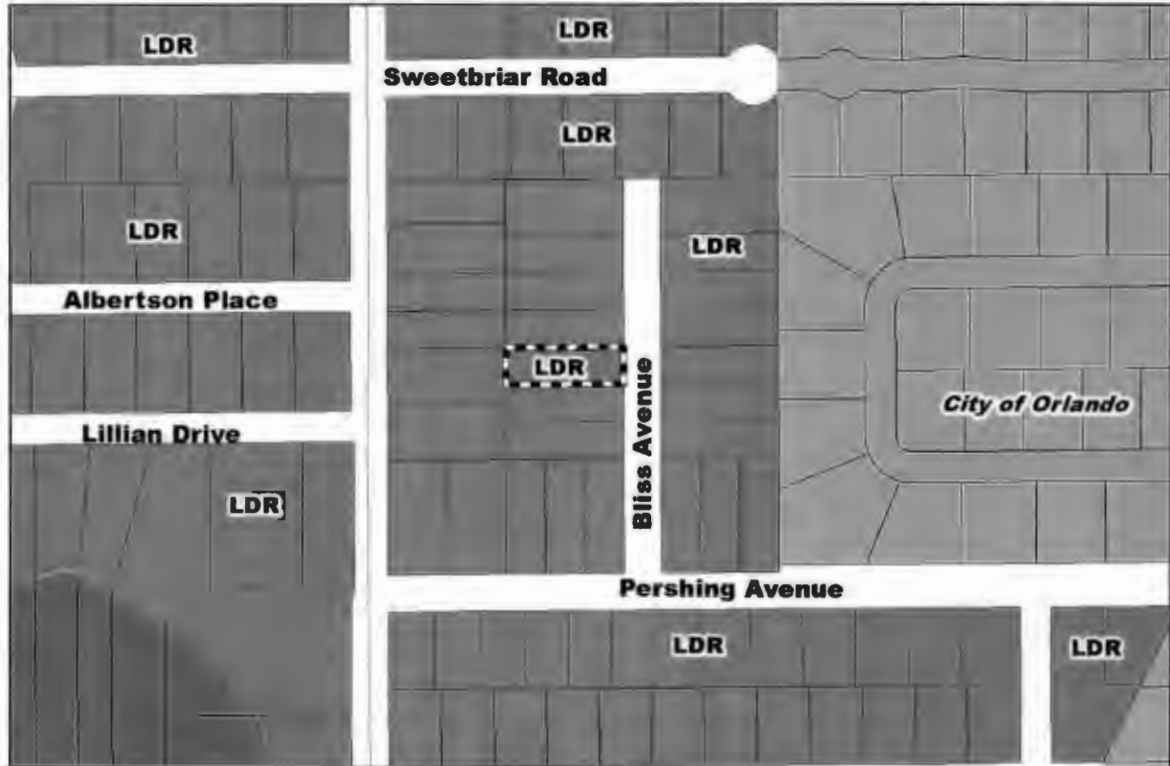
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) The applicant was present and agreed with the staff recommendation. No members of the public were present to speak on this request.

Staff indicated that one hundred eighty-nine (189) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition to the request.

There was no discussion on the proposed single-family residential dwelling unit. A motion was made by Commissioner Fernandez, and seconded by Commissioner Dunn to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried unanimously.

Motion / Second	<i>Eddie Fernandez / Jimmy Dunn</i>
Voting in Favor	<i>Eddie Fernandez, Jimmy Dunn, Mohammed Abdallah, JaJa Wade, Evelyn Cardneas, Diane Velazquez, Gordon Spears, Carlos Nazario, and Nelson Pena</i>
Voting in Opposition	<i>None</i>
Absent	<i>None</i>

RZ-20-04-028



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Glenn William Austin
 G. William Austin Irrevocable Trust

LOCATION: 3632 Bliss Avenue; or generally located north of Pershing Avenue, approximately 30 feet west of Bliss Avenue.

TRACT SIZE: 0.26-gross acre

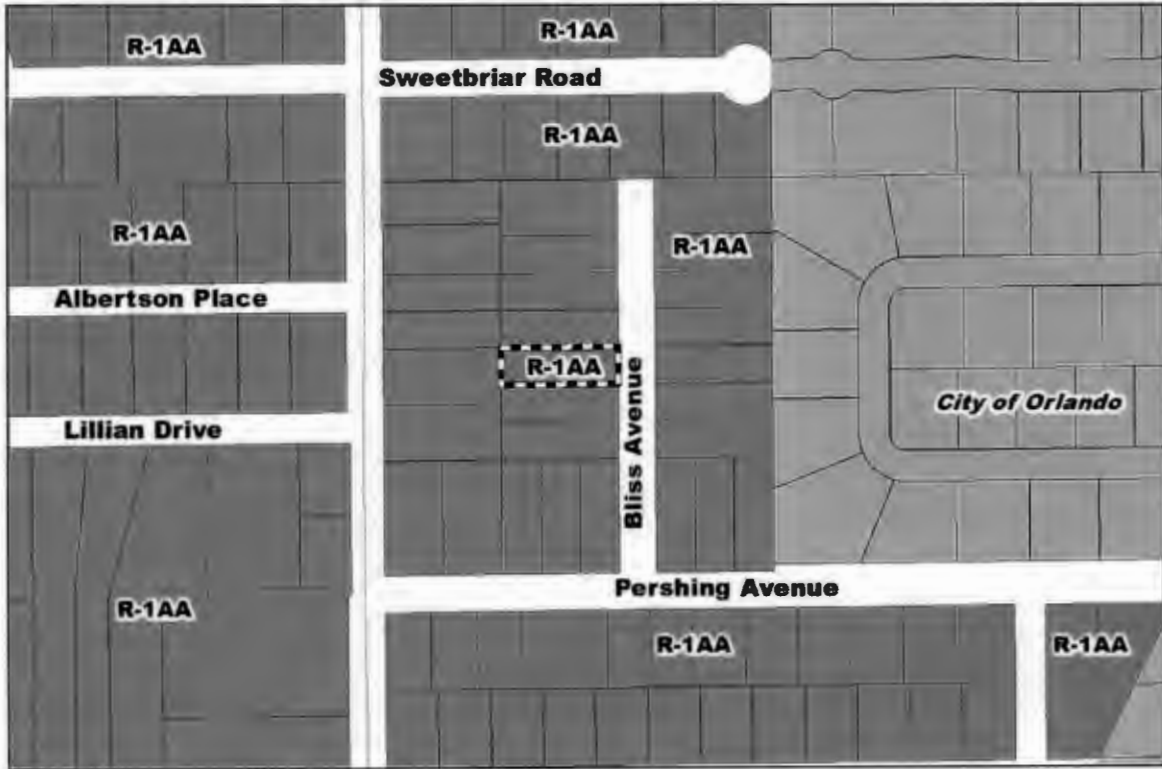
DISTRICT: #3

S/T/R: 12/23/29

1 inch = 240 feet



RZ-20-04-028



Subject Property



Subject Property

Zoning Map

ZONING: R-1AA (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)

APPLICANT: Glenn William Austin
 G. William Austin Irrevocable Trust

LOCATION: 3632 Bliss Avenue; or generally located north of Pershing Avenue, approximately 30 feet west of Bliss Avenue.

TRACT SIZE: 0.26-gross acre

DISTRICT: #3

S/T/R: 12/23/29

1 inch = 240 feet



RZ-20-04-028

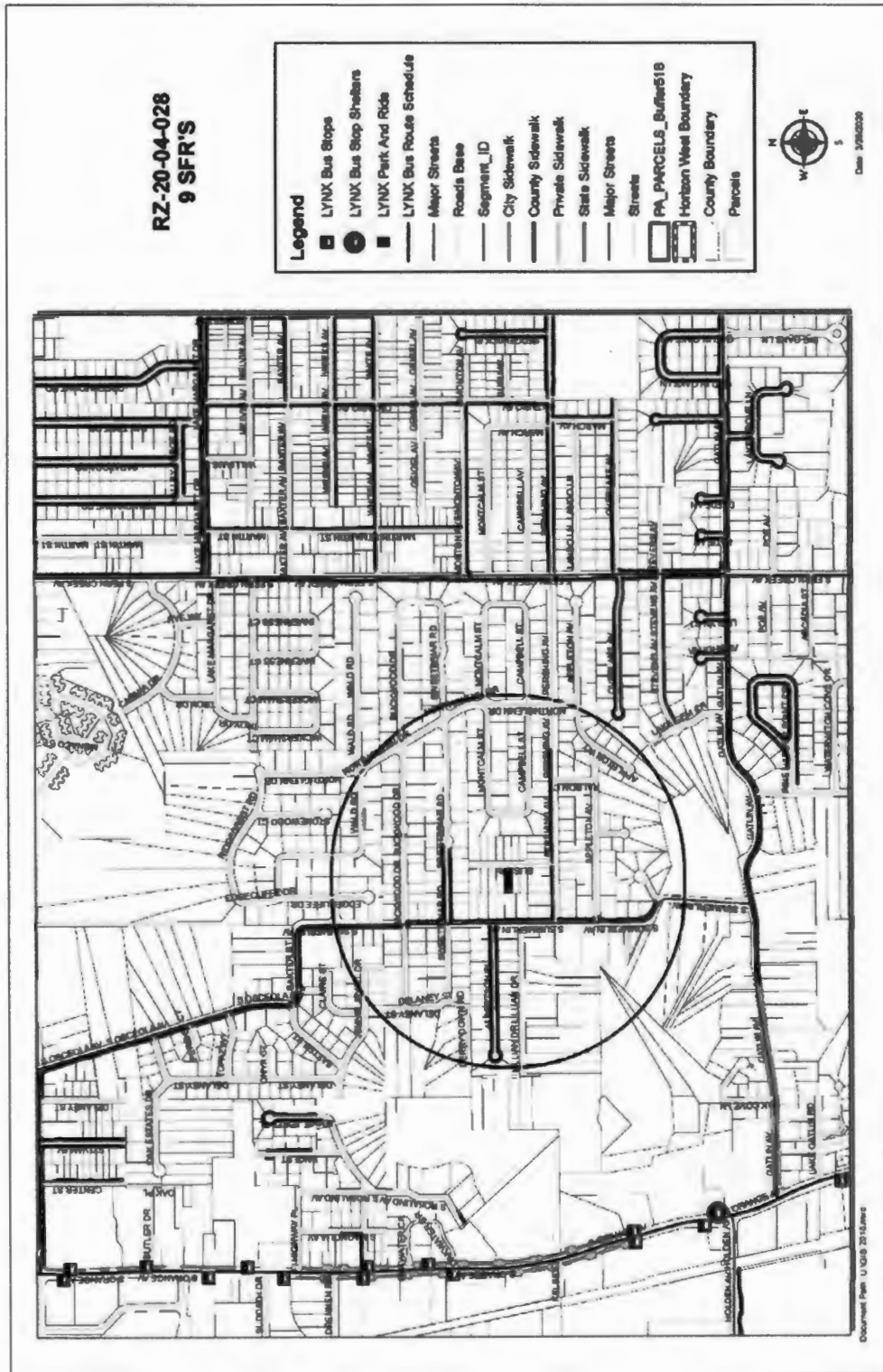


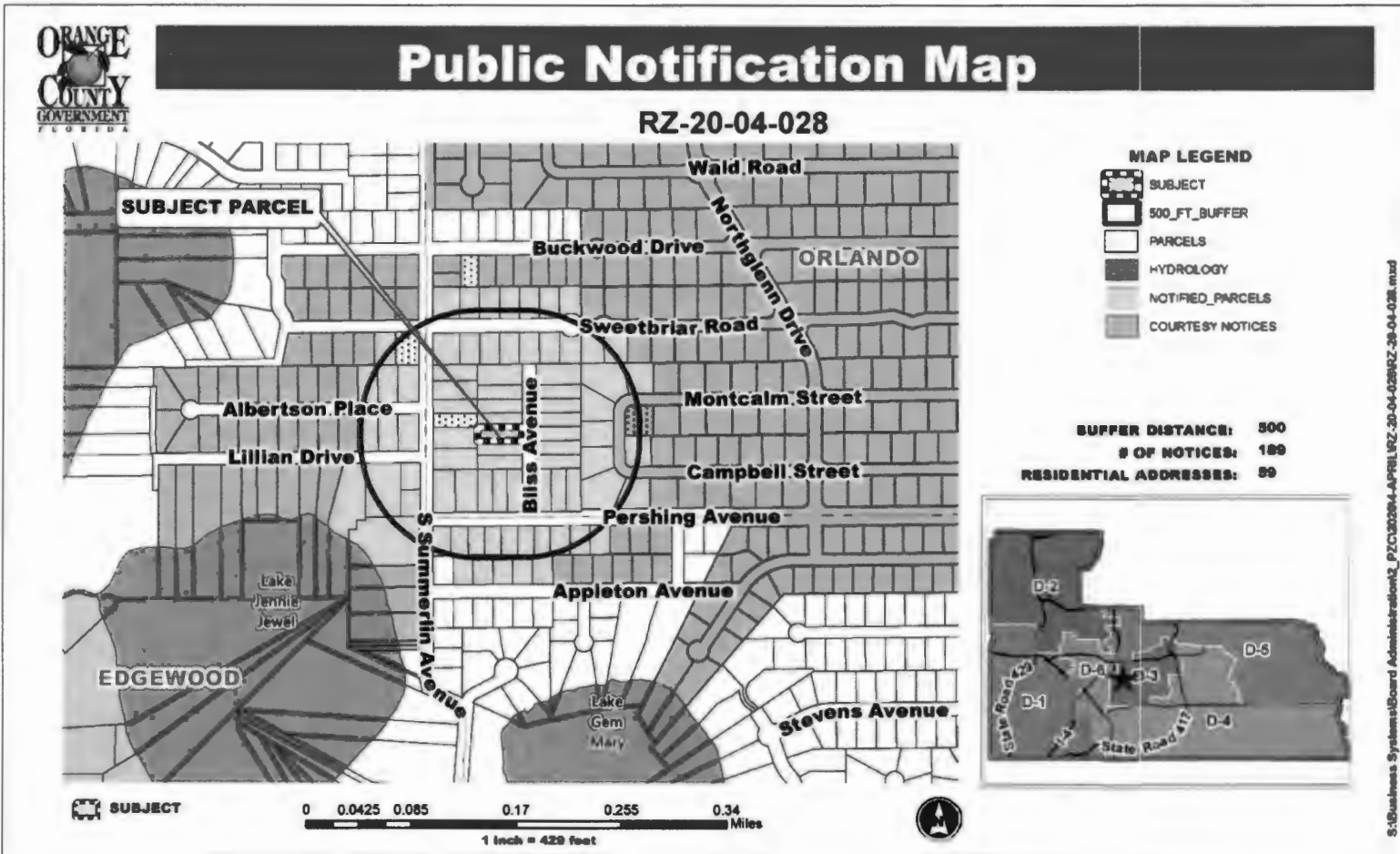
 Subject Property



1 inch = 125 feet

Alternative Mobilty Area Context Map





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Notification Map

Case # RZ-20-04-028
 Orange County Planning Division
 PZC Hearing Date: June 5, 2020

Case Planner:
Irina Pashina

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: June 5, 2020

CASE # RZ-20-04-029

Commission District: #5

GENERAL INFORMATION

APPLICANT	Eugeno Rodriguez, Villarod, LLC
OWNERS	Villarod, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District)
LOCATION	3803 Rouse Road; or generally east of Rouse Road, south of Mcculloch Road and approximately 2,500 feet north of University Boulevard.
PARCEL ID NUMBER	04-22-31-0000-00-045
TRACT SIZE	2.57 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Forty-three (43) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	One (1) additional Single-Family Detached Dwelling Unit (pending lot split approval)

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning with the following restriction:

- 1) The subject property shall be limited to one lot split.

SUBJECT PROPERTY ANALYSIS

Overview

The subject property is currently developed with a single-family residence and has not been platted. It is a legal lot of record that has been recorded in early 1980's. The

surrounding area consists of single-family residences, office and commercial developments.

Through this request, the applicant is seeking to rezone 2.57 acres from A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District) to correct the Future Land Use inconsistency and allow the lot split in order to construct a single-family detached dwelling unit on the newly created eastern lot.

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR). The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the Low-Medium Density Residential FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to

ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Single-Family Dwelling
Adjacent Zoning	N: A-2 (Farmland Rural District) (1957) E: P-D (Planned Development) (1984) W: R-CE (Country Estate District) (1983) S: A-2 (Farmland Rural District) (1957)
Adjacent Land Uses	N: Container Nursery, Single-Family Dwelling E: Office W: Single-Family Dwelling S: Single-Family Dwelling

R-1 [Single-Family Dwelling District] Development Standards

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Living Area:	1,000 sq. ft.

Building Setbacks

Front:	20 ft.
Rear:	20 ft.
Side:	5 ft.

Intent, Purpose, and Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION
Staff Comments

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input type="checkbox"/>	<p>This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations may apply per Orange County Code Chapter 15 Article XI Section 15-442.</p> <p>Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.</p> <p>If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells.</p> <p>Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency database dated 3/18/2020, there is one (1) failing segment within the project area, University Boulevard from Dean Road to Rouse Road.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water:	Orange County Utilities	12-inch water main located within the Rouse Road right-of-way
Waste Water:	Orange County Utilities	Not currently available
Reclaim Water:	Orange County Utilities	Not currently available

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (June 5, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning subject to one restriction:

- 1) The subject property shall be limited to one lot split.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

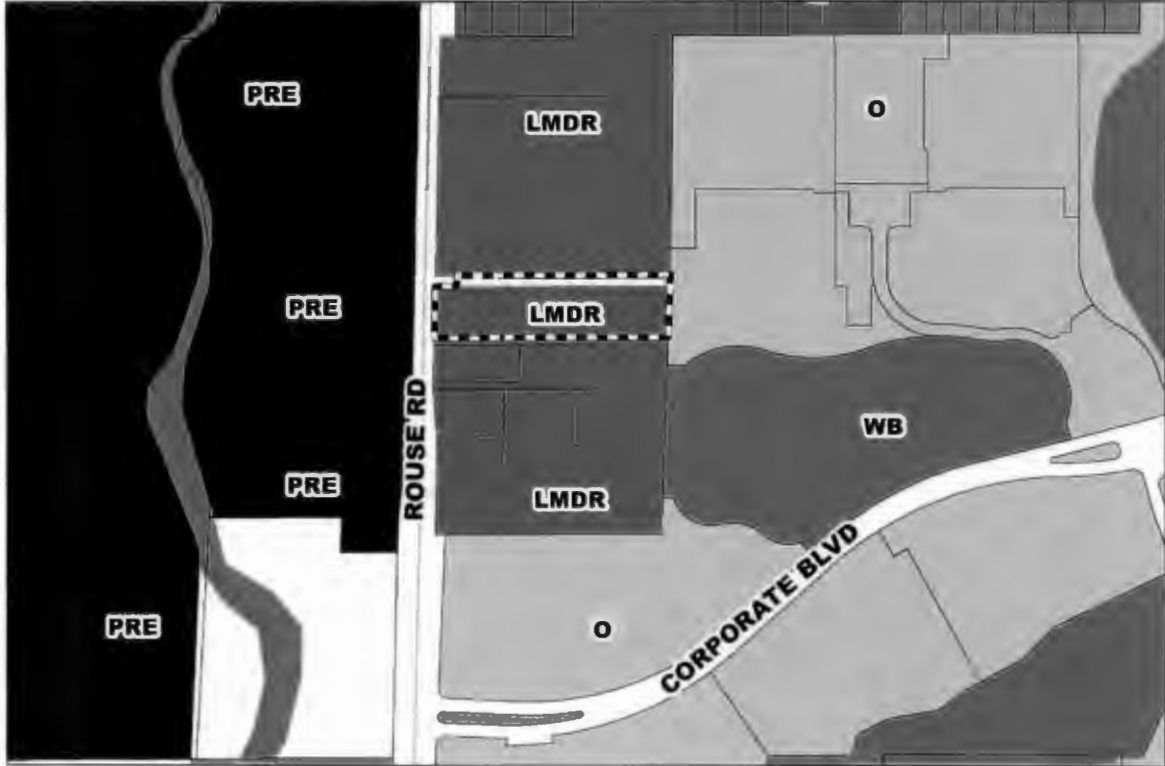
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District). No members of the public were present to speak on this request.

Staff indicated that forty-three (43) notices were sent to property owners extending beyond 600 feet surrounding the property, and that staff received zero (0) commentaries regarding this rezoning application.

After a short discussion, a motion was made by Commissioner Spears, and seconded by Commissioner Cardenas to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning subject to one restriction. The motion carried on a 9-0 vote.

Motion / Second	<i>Gordon Spears / Evelyn Cardenas</i>
Voting in Favor	<i>Gordon Spears, Evelyn Cardenas, JaJa Wade, Diane Velazquez, Carlos Nazario, Nelson Pena, Jimmy Dunn, Eddie Fernandez and Mohammed Abdallah</i>
Voting in Opposition	<i>None</i>
Absent	<i>None</i>

RZ-20-04-029



Subject Property



Subject Property

Future Land Use Map

FLUM: Low Medium Density Residential (LMDR)

APPLICANT: Eugeno Rodriguez Villarod, LLC

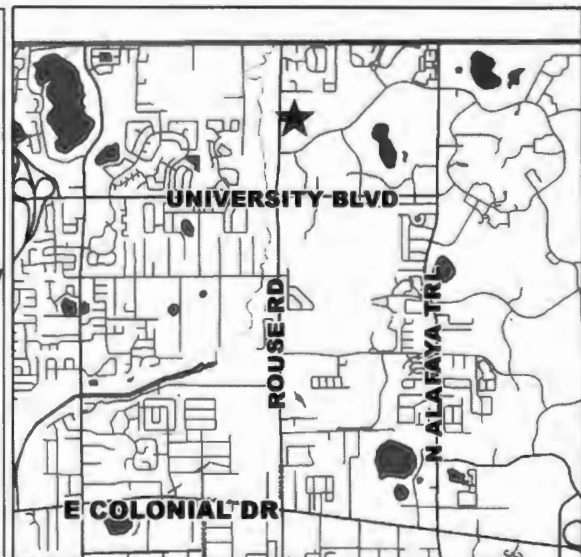
LOCATION: 3803 Rouse road; generally east of Rouse Road, south of Mcculloch Road and approximately 2500 feet north of University Boulevard

TRACT SIZE: 2.57-gross acres

DISTRICT: #5

S/T/R: 04/22/31

1 inch = 417 feet

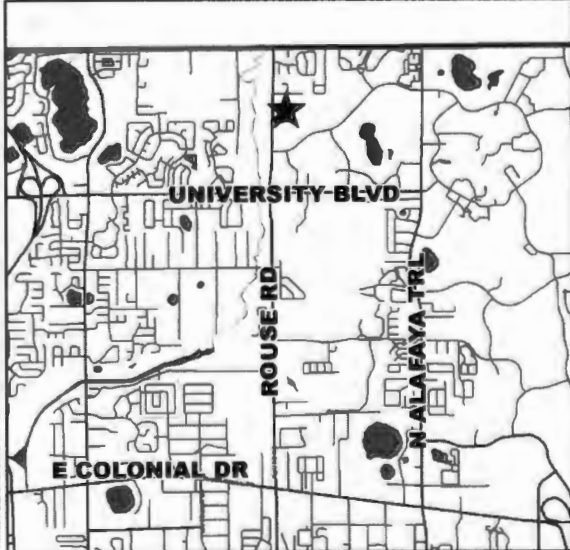


RZ-20-04-029



 Subject Property   Subject Property

Zoning Map	
ZONING:	A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District)
APPLICANT:	Eugeno Rodriguez Villarod, LLC
LOCATION:	3803 Rouse road; generally east of Rouse Road, south of McCulloch Road and approximately 2500 feet north of University Boulevard
TRACT SIZE:	2.57-gross acres
DISTRICT:	#5
S/T/R:	04/22/31
1 inch = 417 feet	



An inset map showing the location of the subject property (marked with a star) within a larger area. The map shows several roads: UNIVERSITY-BLVD, ROUSE RD, E COLONIAL DR, and N ALAFAYA TRL. The subject property is located east of Rouse Rd and north of University Blvd.

RZ-20-04-029

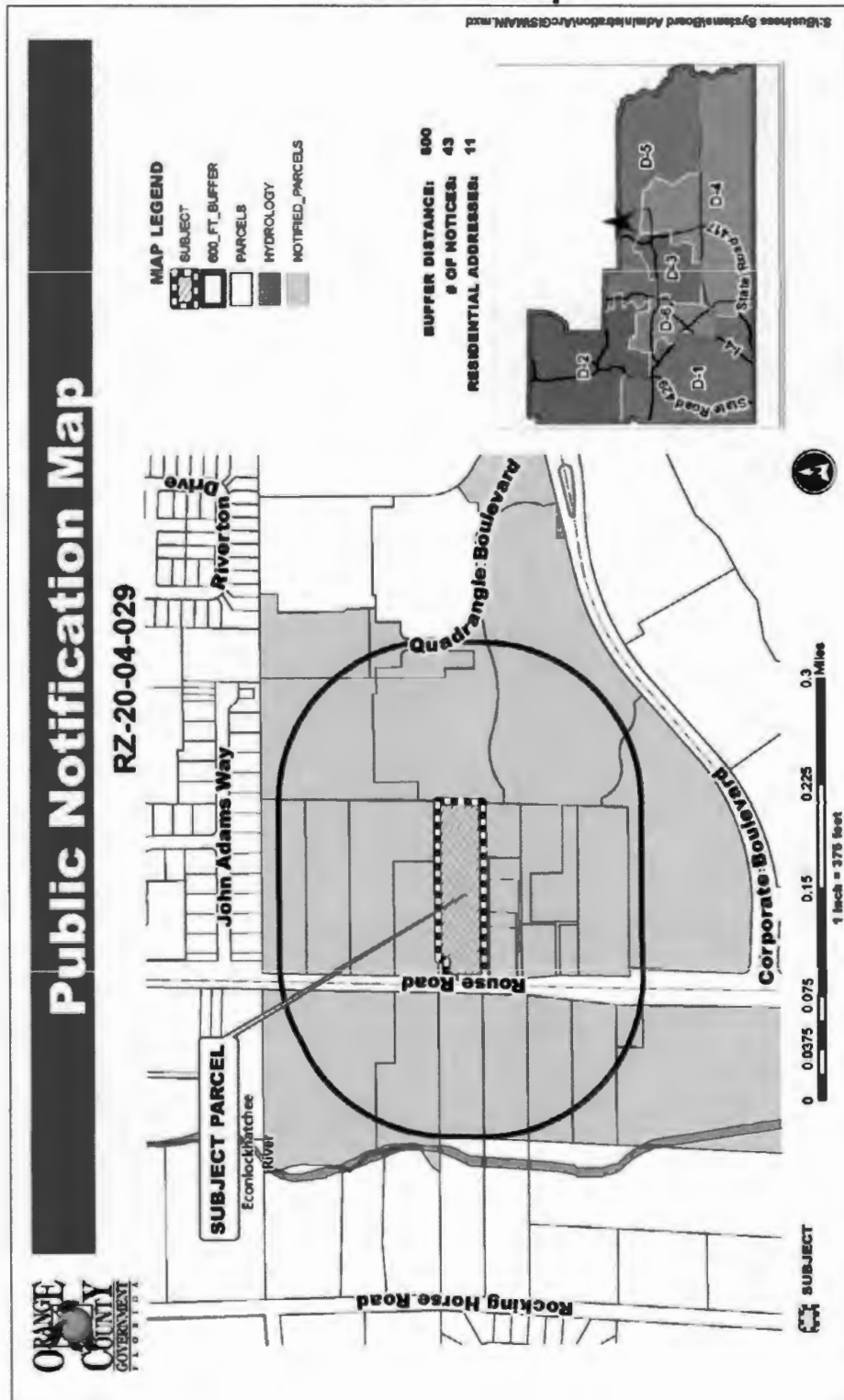


 Subject Property



1 inch = 330 feet

Notification Map



CASE # RZ-20-04-031

Commission District: #6

GENERAL INFORMATION

APPLICANT	Bob Ziegenfuss, Z Development Services, Inc.
OWNERS	104 Partners, LLC.
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-1 (Retail Commercial District) to C-2 (General Commercial District)
LOCATION	104 S. Kirkman Road; generally located at the southwest corner of S. Kirkman Road and W. Church Street.
PARCEL ID NUMBER	30-22-29-6426-01-091
TRACT SIZE	0.47-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 900 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred and sixty-eight (268) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	General C-2 uses.

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited.
- 2) Any outdoor storage on the subject site shall be completely enclosed by a minimum six (6) foot high opaque fence or wall and be located adjacent to the western property boundary, and no closer to the S. Kirkman Road right-of-way than the front façade of the principal structure.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the 0.47-acre property from C-1 (Retail Commercial District) to C-2 (General Commercial District) for general C-2 uses. The subject property is currently situated southwest of the South Kirkman Road and West Church Street intersection, approximately three hundred sixty (360) feet north of Old Winter Garden Road, in the Orlo Vista Safe Neighborhood. The site is designated as Commercial (C) on the Future Land Use Map (FLUM) and is currently undeveloped.

The surrounding area can be characterized as both commercial and residential in nature, with both commercial and office uses, and Orlo Vista Elementary School along South Kirkman Road, and low to medium density residential with some commercial uses along West Church Street. This parcel and the adjacent parcels within the block, were most recently rezoned in 1981, with a change of zoning from R-1 and C-1 to C-1 and C-2. The applicant has indicated they intend to develop a contractor shop with outdoor storage.

There are currently three restrictions on the property that were placed at the October 15, 1981 Board of County Commissioners meeting: 1) A six foot high fence on the West property line and no access to Hastings Avenue; 2) Landscaping setback along west property line; and, 3) One access point onto Kirkman Road and two access points onto West Church Street. The applicant has requested to remove all three restrictions.

Land Use Compatibility

The C-2 (General Commercial District) zoning would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-2 (General Commercial District) zoning is consistent with the Commercial FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: C-1 (Retail Commercial District) (1980) E: C-1 (Retail Commercial District) (1981) C-2 (General Commercial District) (1994) W: C-1 (Retail Commercial District) (1981) S: C-1 (Retail Commercial District) (1981) <i>* No restrictions apply to the above zoning districts</i>
Adjacent Land Uses	N: General Retail Commercial E: General Retail Commercial W: Vacant S: General Retail Commercial

C-2 (General Commercial District) Development Standards

Min. Lot Area: 10,000 sq. ft.
 Min. Lot Width: 100 ft. (on major streets, see Article XV)
 80 ft. (on all other streets)
 Max. Height: 50 ft. (35 ft. within 100 ft. of residential)
 Min. Floor Area: 500 sq. ft.

Building Setbacks

Front: 25 ft. (on major streets, see Article XV)
 Rear: 15 ft. (25 ft. when abutting residential)
 Side: 5 ft. (25 ft. when abutting residential)

Intent, Purpose, and Uses

The intent and purpose of this C-2 general commercial district are as follows: to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district will be encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood. Characteristically, this district occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district will be promoted within the urban service area or in rural settlements where uses of this intensity are already established. The general commercial district should not be located adjacent to single-family residential zoning districts.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code. Trade shops and contractor shops with outdoor storage is a permitted use within the C-2 General Commercial Zoning District, per Section 38-77.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes within the project area: There are existing State maintained sidewalk/bike path along S. Kirkman Road from Carter Street to W. Colonial Drive. Existing sidewalks maintained by Orange County are located along Old Winter Garden Road from N. Mission Road to S. Hiwassee Road. LYNX bus link #54 Old Winter Garden Road; #301 LYNX 3D Pine Hills / Animal Kingdom. There are six (6) bus stops and

			one (1) sheltered bus stop within the project area.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities A 4-inch forcemain is located within Kirkman and Hastings rights-of-way

Reclaim Water: Orange County Utilities Not currently available

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (June 5, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning subject to the following restrictions.

- 1) New billboards and pole signs shall be prohibited.
- 2) Any outdoor storage on the subject site shall be completely enclosed by a minimum six (6) foot high opaque fence or wall and be located adjacent to the western property boundary, and no closer to the S. Kirkman Road right-of-way than the front façade of the principal structure.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

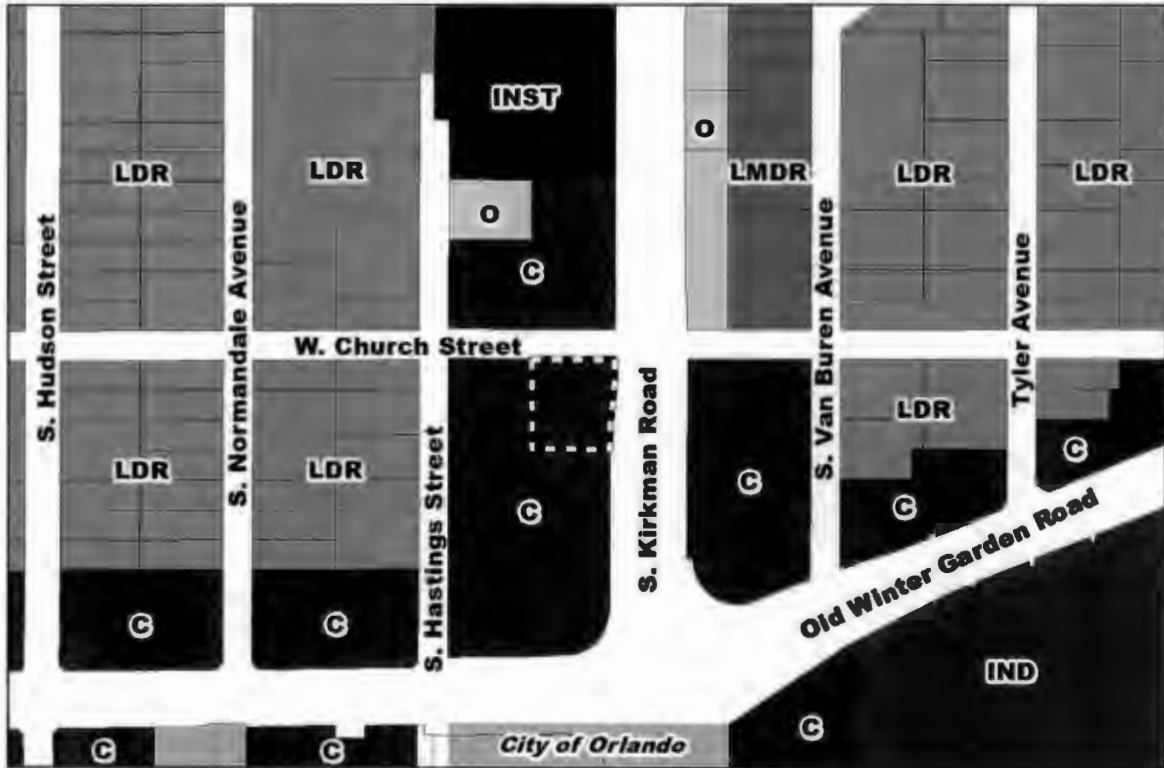
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District). No members of the public were present to speak on this request.

Staff indicated that two hundred sixty-eight (268) notices were sent to property owners extending beyond 900 feet surrounding the property, and that staff received zero (0) commentaries regarding this rezoning application.

After a short discussion, a motion was made by Commissioner Wade, and seconded by Commissioner Pena to recommend APPROVAL of the requested C-2 (General Commercial District) zoning district subject to restrictions. The motion carried on a 9-0 vote.

Motion / Second	<i>JaJa Wade / Nelson Pena</i>
Voting in Favor	<i>JaJa Wade, Nelson Pena, Evelyn Cardneas, Mohammed Abdallah, Diane Velazquez, Jimmy Dunn, Gordon Spears, Carlos Nazario, and Eddie Fernandez</i>
Voting in Opposition	<i>None</i>
Absent	<i>None</i>

RZ-20-04-031



 Subject Property
 
 Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Bob Ziegenfuss, Z Development Services, Inc.

LOCATION: 104 S Kirkman Road; or generally on the southwest corner of S. Kirkman Road and W. Church Street, approximately 360 feet north of Old Winter Garden Road.

TRACT SIZE: 0.47 gross acres

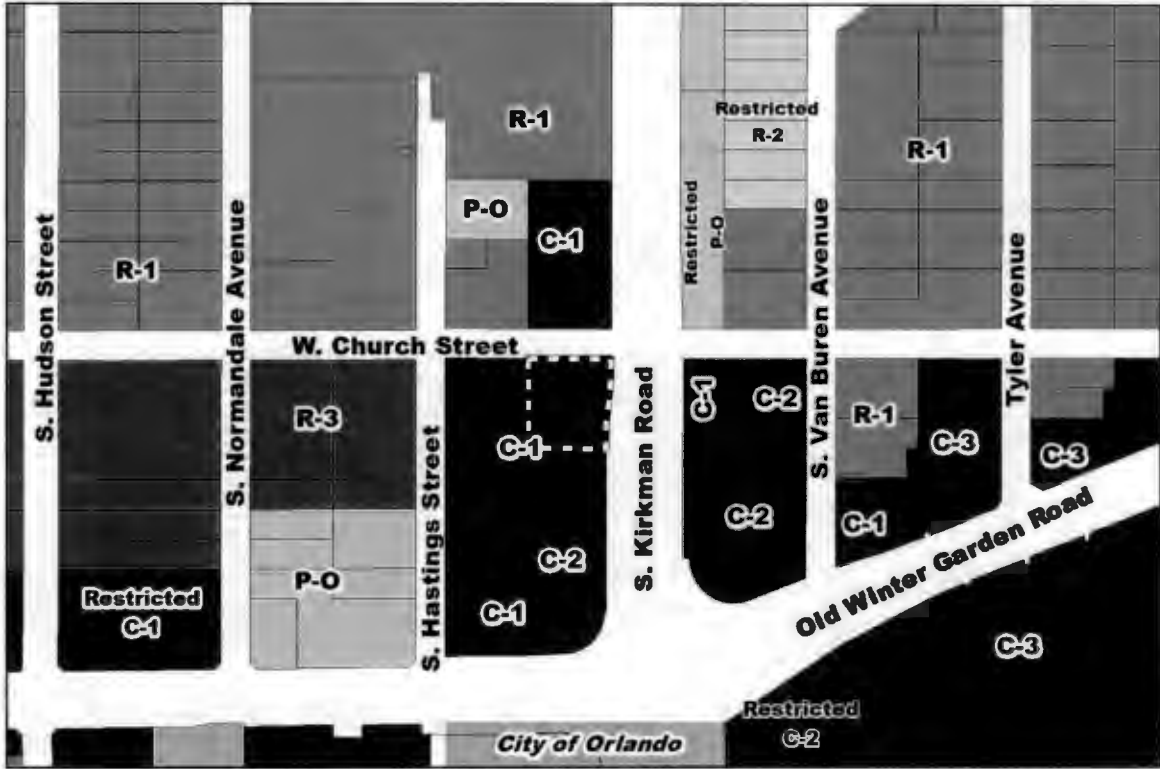
DISTRICT: # 6

S/T/R: 30/22/29

1 inch = 250 feet



RZ-20-04-031



Subject Property



Subject Property

Zoning Map

Zoning: C-1 (Retail Commercial District) to C-2 (General Commercial District)

APPLICANT: Bob Ziegenfuss, Z Development Services, Inc.

LOCATION: 104 S Kirkman Road; or generally on the southwest corner of S. Kirkman Road and W. Church Street, approximately 360 feet north of Old Winter Garden Road.

TRACT SIZE: 0.47 gross acres

DISTRICT: # 6

S/T/R: 30/22/29

1 inch = 250 feet



RZ-20-04-031

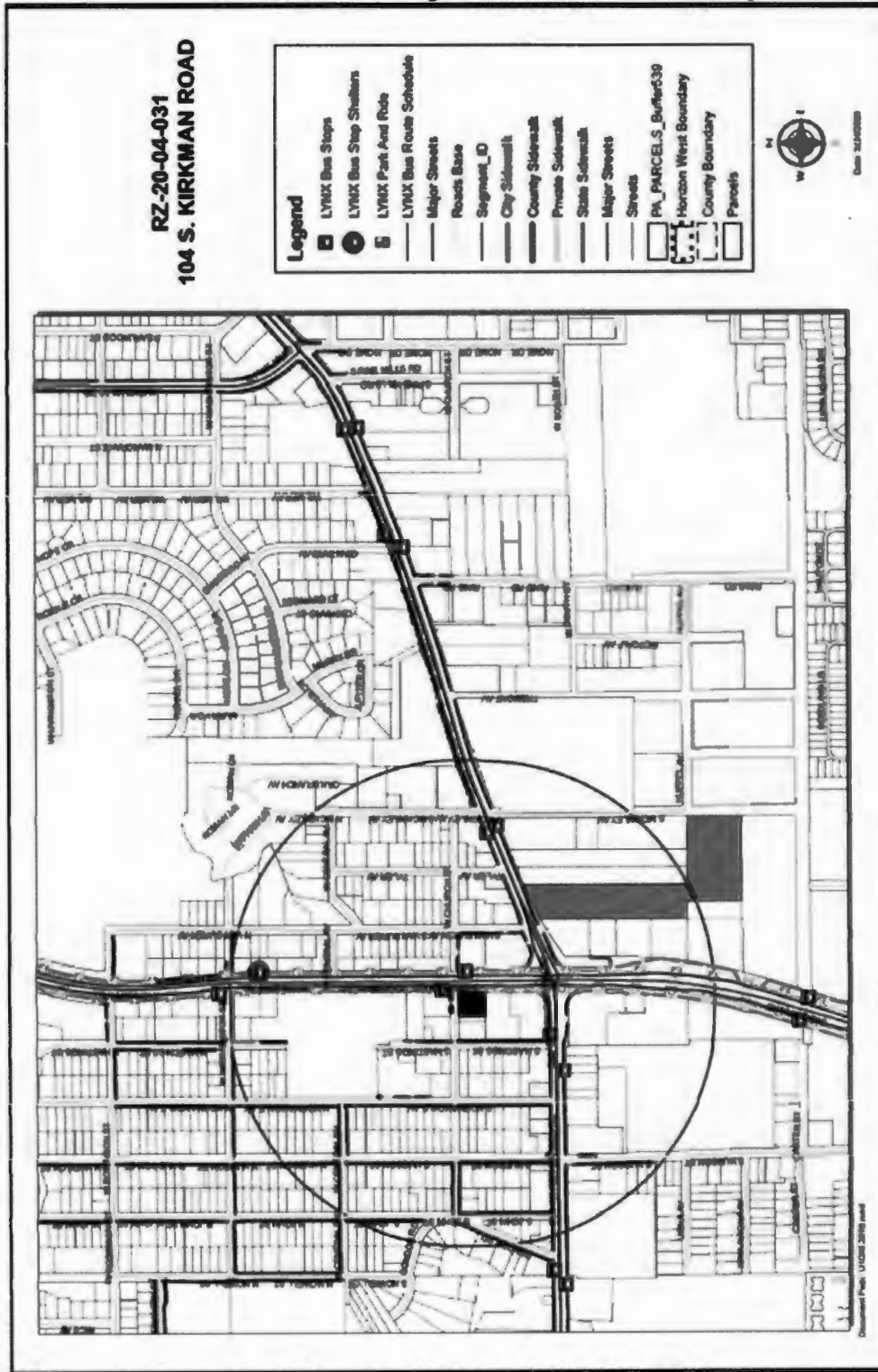


 Subject Property

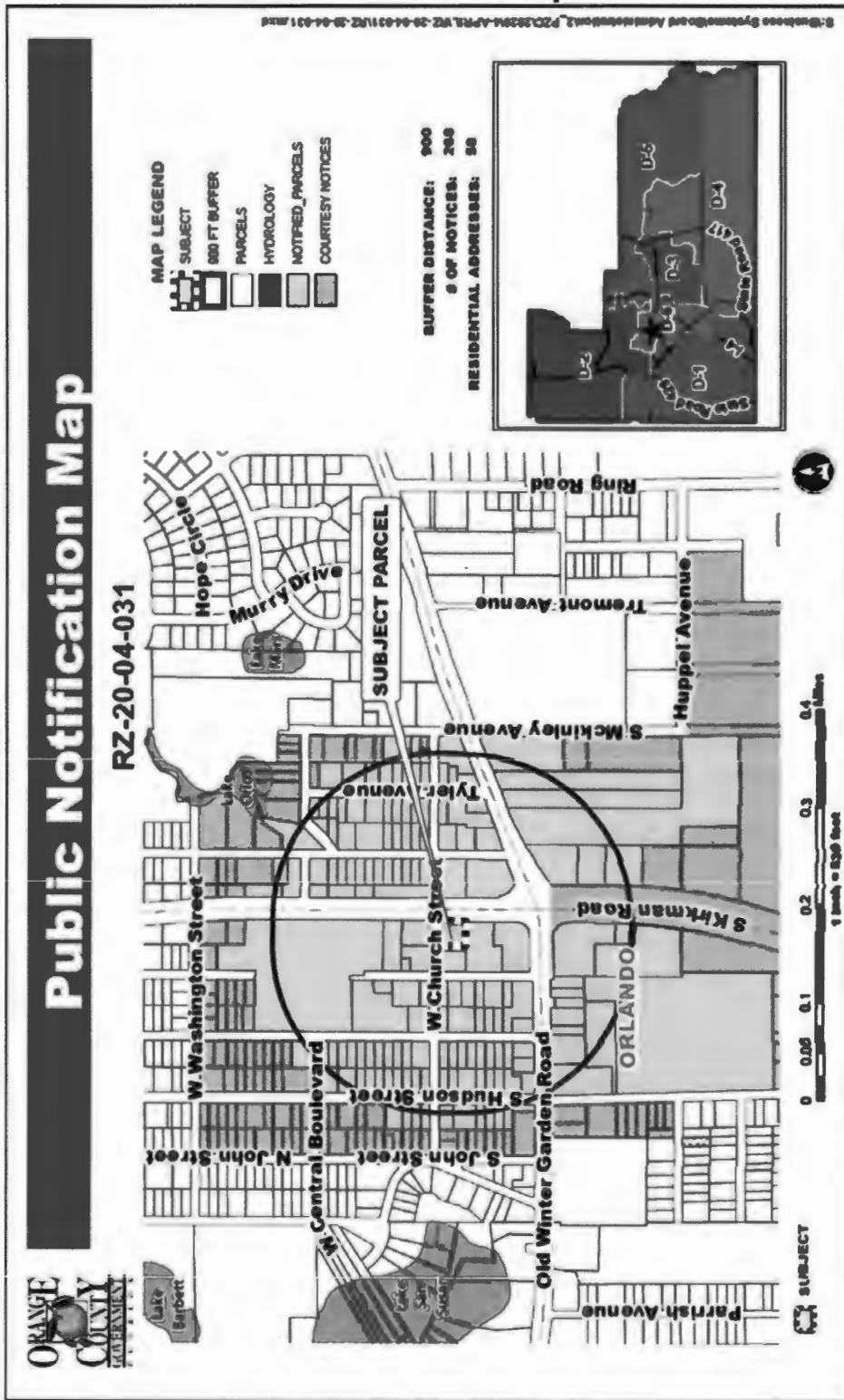


1 inch = 200 feet

Alternative Mobilty Area Context Map



Notification Map



CASE # LUP-19-01-044

Commission District: #1

GENERAL INFORMATION

APPLICANT	Mary D. Solik
OWNER	OCE West Orange, LLC
PROJECT NAME	West Orange Environmental Resources C&D Disposal & Recycling Facility / Communication Tower Planned Development (PD)
HEARING TYPE	Planned Development – Land Use Plan (PD-LUP)
REQUEST	A-1 (Citrus Rural District) to PD (Planned Development District) <i>To rezone 44.02 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District) to allow for the use of an existing landfill and a new 140' monopole communication tower.</i>
LOCATION	7902 Avalon Road; generally north of Schofield Road and west of Avalon Road.
PARCEL ID NUMBER	29-23-27-0000-00-008
TRACT SIZE	44.03 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 1-mile [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One thousand three hundred twenty-five (1,325) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Existing Landfill and a new 140' monopole communication tower.

STAFF RECOMMENDATION

Development Review Committee – (February 12, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of West Orange Environmental Resources C & D Disposal & Recycling Facility – Communication Tower Planned Development / Land Use Plan (PD/LUP), dated “October 4, 2019”, subject to the following conditions:

1. Development shall conform to the West Orange Environmental Resources C&D Disposal & Recycling Facility / Communication Tower Land Use Plan (LUP) dated "Received October 4, 2019," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received October 4, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and

responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
7. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
8. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County/Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, coordinate with OCU to obtain information on the mounding produced by the RIBs, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.
9. Development shall be in accordance with Orange County Code Section 38-1236, as may be amended from time to time.
10. Chain link fencing and opaque wall systems are prohibited.

IMPACT ANALYSIS

Overview

Through this request, the applicant is seeking to construct a 140-foot tall communication tower on .034 acres on the southern boundary of the subject property, along Schofield Road. The subject property is currently the location of a landfill which will remain.

The proposed development program is compatible with existing development in the area which contains single-family residential subdivisions with lot sizes ranging between 60' and 115' in width. County development standards require a minimum of 700 feet of separation from existing residential properties, this request provides 1,500 feet of separation from the nearest residential properties.

Land Use Compatibility

The proposed development program is consistent with the Horizon West - Town Center policies and Code criteria, is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V) indicating the property is within Horizon West. More specifically, the property is within the Town Center of Horizon West and is designated as Open Space on the Horizon West Special Planning Area Land Use Map. The proposed PD zoning district and development program of a communication tower is consistent with the FLUM designation, therefore a CP amendment is not necessary:

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental

features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Landfill
Adjacent Zoning	N: A-1 (Citrus Rural District) (1957) E: A-1 (Citrus Rural District) (1957) W: A-1 (Citrus Rural District) (1957) S: A-1 (Citrus Rural District) (1957)
Adjacent Land Uses	N: Single Family Residential / Farm Land E: Golf Course W: SR 429 S: Landfill

APPLICABLE PD DEVELOPMENT STANDARDS

Landfill Setbacks

North:	50 ft.
East:	200 ft.
South:	150 ft.
West:	50 ft.

SPECIAL INFORMATION

Community Meeting Summary

A community meeting was not required for this application.

Environmental

If any waste is found during the cell tower excavation then comply with the guidelines established in the most recent edition of, "Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida published by the Florida Department of Environmental Protection".

Existing Landfill - This is on the site of the West Orange Environmental Resources C&D Disposal & Recycling Facility.

Compliance of Permit Conditions - The applicant for Development of this area for a cell tower shall be responsible to comply with all of the related solid waste management facility permit conditions of approval.

Regulatory Compliance - This review does not release the applicant from complying with all other Federal, State, and Local rules and regulations. If this review conflicts with rules and regulations of any other Agency, Department or Division, the permittee must comply with the most stringent requirements.

Transportation / Concurrency

Installation of a communication tower does not require a Capacity Encumbrance review.

Water / Wastewater / Reclaim

Water:	<u>Existing service or provider</u> Orange County Utilities
Wastewater:	Orange County Utilities
Reclaimed:	Orange County Utilities

Schools

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (June 5, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of West Orange Environmental Resources C & D Disposal & Recycling Facility – Communication Tower Planned Development / Land Use Plan (PD/LUP), dated “October 4, 2019”, subject to the following conditions:

1. Development shall conform to the West Orange Environmental Resources C&D Disposal & Recycling Facility / Communication Tower Land Use Plan (LUP) dated "Received October 4, 2019," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received October 4, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
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5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
7. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the

Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

8. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County/Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, coordinate with OCU to obtain information on the mounding produced by the RIBs, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.
9. Development shall be in accordance with Orange County Code Section 38-1236, as may be amended from time to time.
10. Chain link fencing and opaque wall systems are prohibited.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

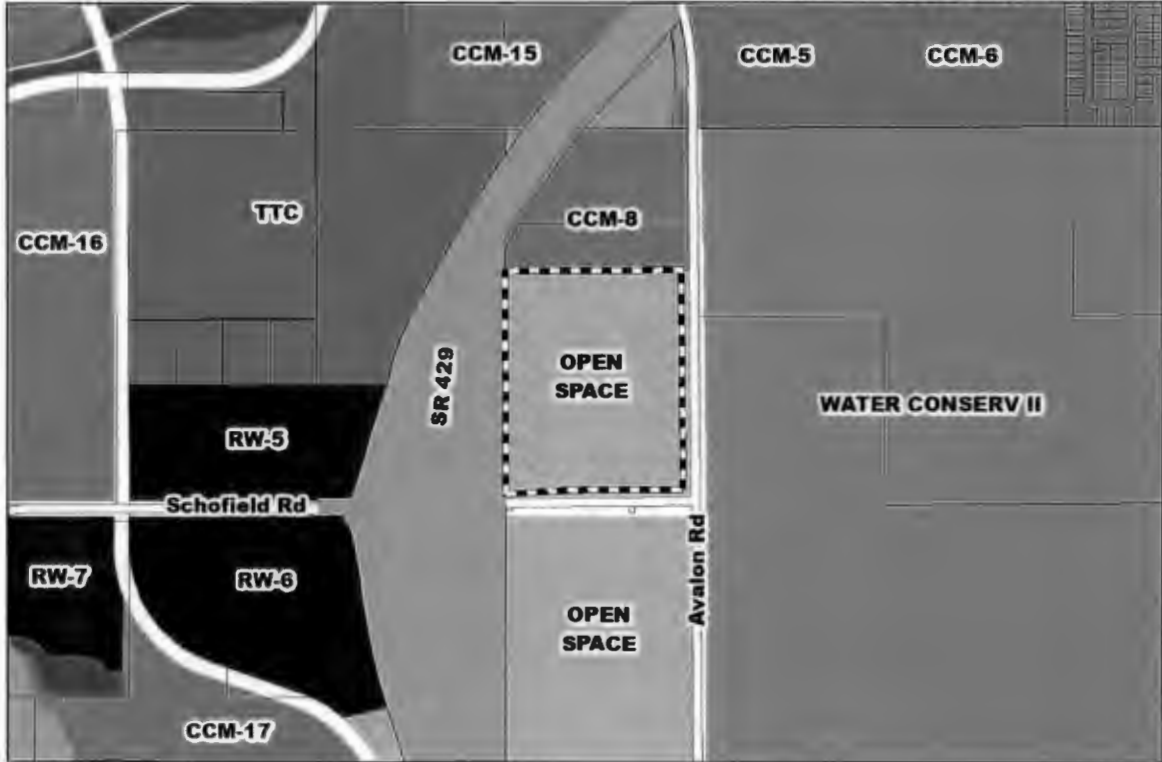
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested West Orange Environmental Resources C & D Disposal & Recycling Facility – Communication Tower Planned Development / Land Use Plan (PD/LUP). No members of the public were present to speak on this request.

Staff indicated that one thousand three hundred twenty-five (1,325) notices were sent to property owners extending beyond 1-mile surrounding the property, and that staff received two responses: one (1) was in favor of the request, and one (1) was opposed to the request.

After a short discussion, a motion was made by Commissioner Wade, and seconded by Commissioner Pena to recommend APPROVAL of the requested West Orange Environmental Resources C & D Disposal & Recycling Facility – Communication Tower Planned Development / Land Use Plan (PD/LUP) dated October 4, 2019, subject to the ten (10) conditions listed in the staff report. The motion carried on a 9-0 vote.

Motion / Second	<i>Jimmy Dunn / Nelson Pena</i>
Voting in Favor	<i>Jimmy Dunn, Nelson Pena, JaJa Wade, Carlos Nazario, Diane Velazquez, Gordon Spears, Evelyn Cardenas, Mohammed Abdallah, and Eddie Fernandez</i>
Voting in Opposition	<i>None</i>
Absent	<i>None</i>

LUP-19-01-044



Subject Property



★ Subject Property

Future Land Use Map

FLUM: Village (V), Town Center Special Planning Area, Open Space District

APPLICANT: Mary Solik, OCE West Orange, LLC.

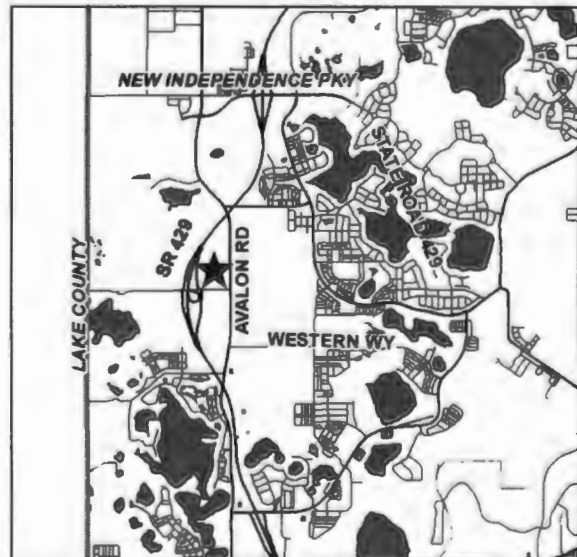
LOCATION: Generally located North of Schofield Road / East of SR 429 / West of Avalon Road

TRACT SIZE: 44.02 gross acres

DISTRICT: # 1

S/T/R: 29/23/27

1 inch = 1,042 feet



LUP-19-01-044



 Subject Property



 Subject Property

Zoning Map

ZONING: A-1 (Citrus Rural District) to PD (Planned Development District)

APPLICANT: Mary Solik, OCE West Orange, LLC.

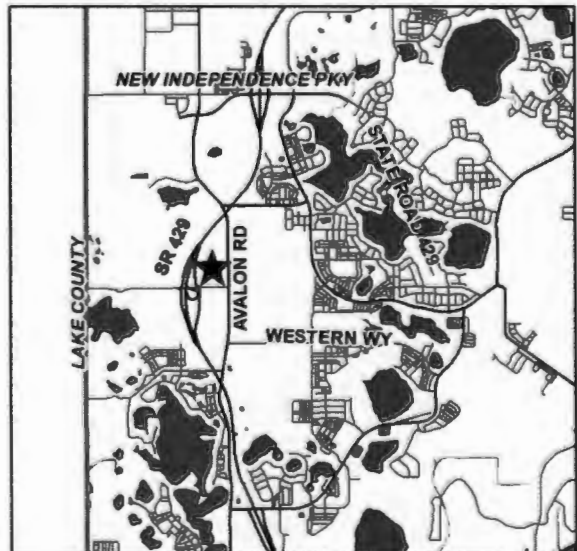
LOCATION: Generally located North of Schofield Road / East of SR 429 / West of Avalon Road

TRACT SIZE: 44.02 gross acres

DISTRICT: # 1

S/T/R: 29/23/27

1 inch = 1,042 feet



LUP-19-01-044



 Subject Property



1 inch = 833 feet

**West Orange Environmental Resources C&D
Recycling Facility / Communication Tower PD / LUP (Cover
Sheet)**

Case # LUP-19-01-044
Orange County Planning Division
PZC Hearing Date: June 5, 2020

WEST ORANGE ENVIRONMENTAL RESOURCES C&D DISPOSAL & RECYCLING FACILITY/ COMMUNICATION TOWER

**LAND USE PLAN
LUP-19-01-044
Orange County, Florida
OCTOBER 23, 2019**

PARCEL # 29-23-27-0000-00-008
7902 AVALON ROAD, WINTER GARDEN, FL 34787



PLANNED DEVELOPMENT NOTES:

DEVELOPMENT TYPE	COMMERCIAL
PROJECT REGULATORY PROGRAM	PD-02-05
DEVELOPMENT	RECYCLING
DEVELOPMENT ZONING	A-1
PROPOSED ZONING	PD
DEVELOPMENT INTENSITY LIMITS	PD-02-05
MAXIMUM HEIGHT	35 FT
MINIMUM HEIGHT	10 FT
MIN. HEIGHT OF TOWER	10 FT
MIN. DIST. FROM TOWER	0 FT
DEVELOPMENT REGULATIONS	ORANGE COUNTY VTL PD-02 ORANGE COUNTY VTL PD-05 ORANGE COUNTY VTL PD-08
DEVELOPMENT REGULATORY PROGRAM	PD-02-05

PROJECT TEAM

OWNER DISPOSAL & RECYCLING FACILITY 7902 AVALON ROAD WINTER GARDEN, FL 34787	ARCHITECT KIMLEY-HORN AND ASSOCIATES, INC. 100 N. GORHAM ROAD, SUITE 200 ORANGE, FL 32801 CONTACT: GEORGE J. HORN, P.E. PHONE: (407) 882-4111 WWW.KIMLEY-HORN.COM
ENGINEER KIMLEY-HORN AND ASSOCIATES, INC. 100 N. GORHAM ROAD, SUITE 200 ORANGE, FL 32801 CONTACT: GEORGE J. HORN, P.E. PHONE: (407) 882-4111 WWW.KIMLEY-HORN.COM	LANDSCAPE ARCHITECT KIMLEY-HORN AND ASSOCIATES, INC. 100 N. GORHAM ROAD, SUITE 200 ORANGE, FL 32801 CONTACT: GEORGE J. HORN, P.E. PHONE: (407) 882-4111 WWW.KIMLEY-HORN.COM

SHEET INDEX

LUP-01	COVER SHEET
LUP-02	LAND USE PLAN
SHEETS 1-3	SURVEY
DP-1	SITE PLAN
D-2	ENLARGE TOWER COMPOUND
L-1	LANDSCAPE PLAN
L-2	LANDSCAPE DETAILS

LEGAL DESCRIPTION

THIS IS A PRELIMINARY LEGAL DESCRIPTION OF THE PROPERTY. THE OWNER OF THE PROPERTY SHALL BE RESPONSIBLE FOR OBTAINING A CURRENT AND ACCURATE LEGAL DESCRIPTION OF THE PROPERTY. THE LEGAL DESCRIPTION OF THE PROPERTY SHALL BE BASED ON THE RECORD DEEDS AND PLATS OF RECORD FOR THE PROPERTY. THE LEGAL DESCRIPTION OF THE PROPERTY SHALL BE BASED ON THE RECORD DEEDS AND PLATS OF RECORD FOR THE PROPERTY. THE LEGAL DESCRIPTION OF THE PROPERTY SHALL BE BASED ON THE RECORD DEEDS AND PLATS OF RECORD FOR THE PROPERTY.

NOTES:

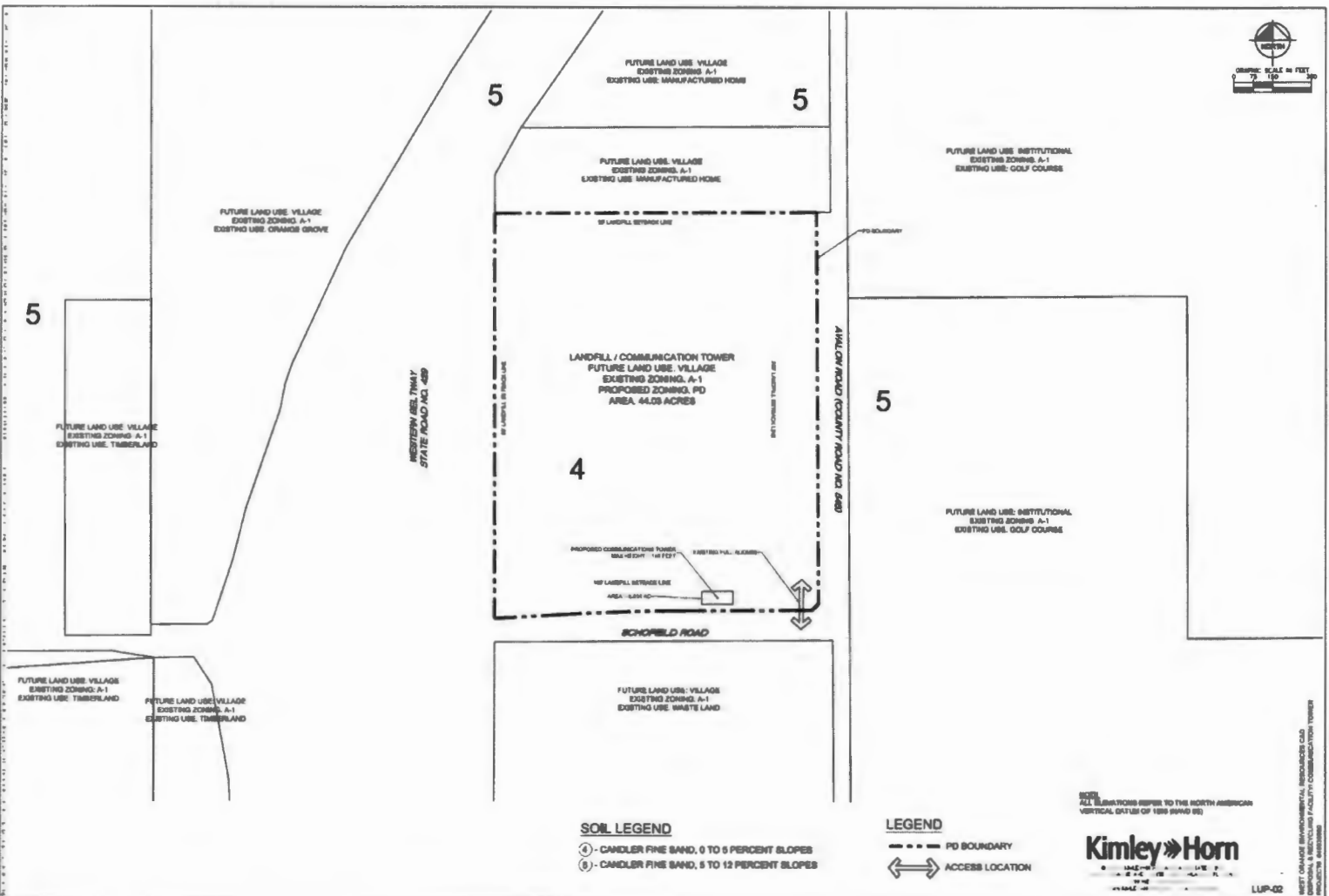
- THE PROJECT WILL BE DEVELOPED IN ONE PHASE.
- DEVELOPER AND FILE SHALL BE PROVIDED.
- AS APPROVED WITH SECTION 17-207, THE DEVELOPER SHALL PROVIDE A COPY OF THIS PLAN TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL.
- FOR THE NUMBER OF PLATTS, DEVELOPER, BY THE COUNTY ENGINEER, OBTAINING REVIEW OF THIS PLAN SHALL BE THE RESPONSIBILITY OF THE DEVELOPER. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING A CURRENT AND ACCURATE LEGAL DESCRIPTION OF THE PROPERTY. THE LEGAL DESCRIPTION OF THE PROPERTY SHALL BE BASED ON THE RECORD DEEDS AND PLATS OF RECORD FOR THE PROPERTY. THE LEGAL DESCRIPTION OF THE PROPERTY SHALL BE BASED ON THE RECORD DEEDS AND PLATS OF RECORD FOR THE PROPERTY. THE LEGAL DESCRIPTION OF THE PROPERTY SHALL BE BASED ON THE RECORD DEEDS AND PLATS OF RECORD FOR THE PROPERTY.

RECEIVED
By DRC Office at 3:22 pm, Oct 04, 2019

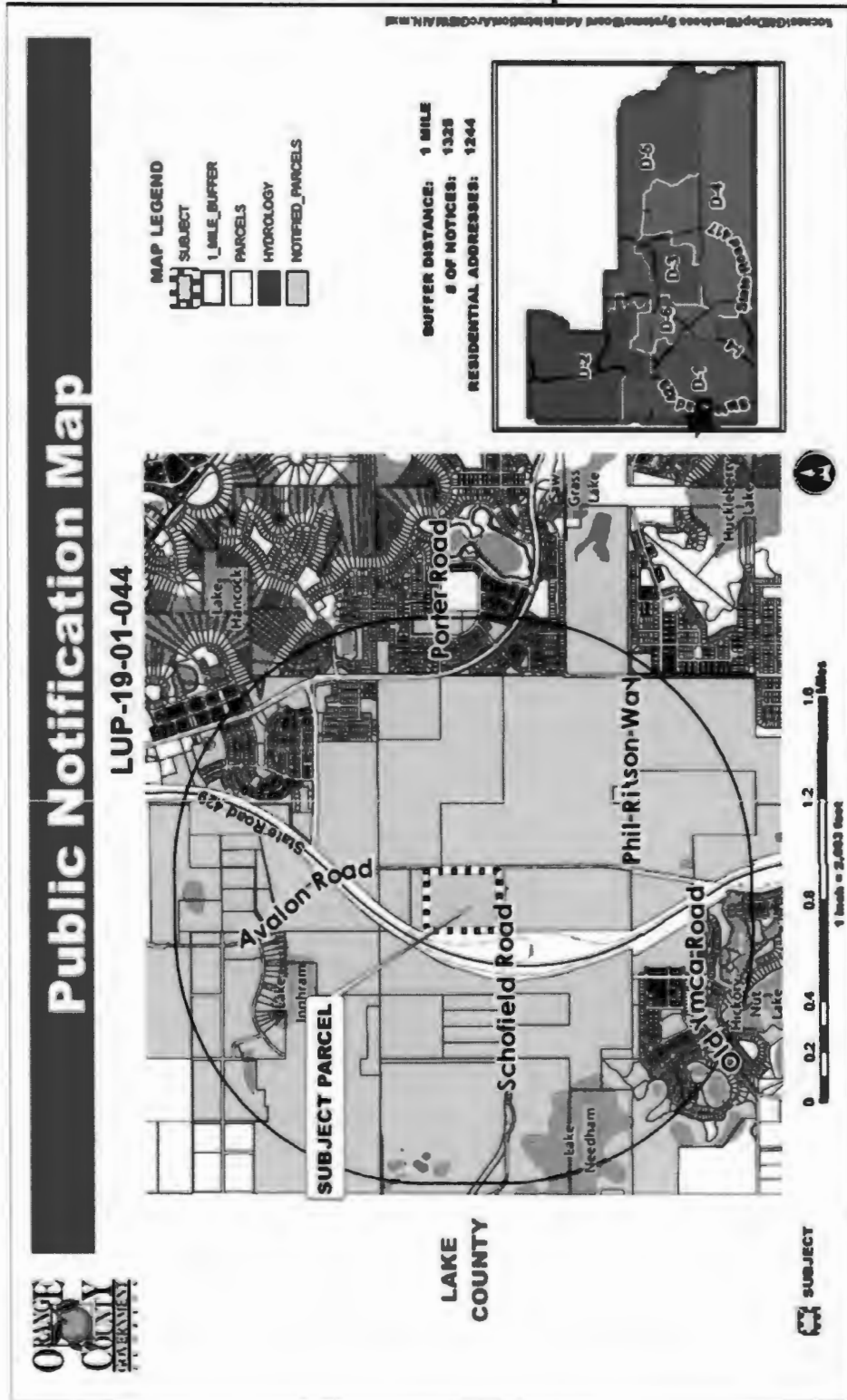
Kimley-Horn

LUP-01

West Orange Environmental Resources C&D Disposal & Recycling Facility / Communication Tower PD / LUP



Notification Map



CASE # LUPA-19-08-262

Commission District: #1

GENERAL INFORMATION

APPLICANT	Robert Reese, Brossier Corporation
OWNERS	Vurnell Vandever
PROJECT NAME	The Registry on Grass Lake Planned Development (PD)
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-1 (Citrus Rural District) to PD (Planned Development District)

A request to rezone one parcel containing 1.33 acres from A-1 (Citrus Rural District) to PD (Planned Development District) and incorporate the subject parcel into The Registry on Grass Lake PD. There are no increase in entitlements associated with this request. The request also includes the following waivers from Orange County Code:

1. A waiver from 38-1258(a) to allow the buildings that will be 5 stories, 70 ft. tall to be 30 ft. from single family, in lieu of buildings within 100 ft. of single family to be single story.
2. A waiver from Section 38-1258(b) is requested to allow 100% of multi-family buildings to be five (5) stories, 70 feet in height, thirty (30) feet from single-family zoned property, in lieu of a maximum of fifty (50) percent of the building being three (3) stories (not to exceed forty (40) feet) in height with the remaining building being one (1) story or two (2) stories in height located between 100 and 150 feet from single-family zoned property.
3. A waiver from Section 38-1258(c) is requested to allow multi-family buildings five (5) stories, seventy (70) feet in height, thirty (30) feet from single-family properties, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.

4. A waiver from Section 38-1258(d) is requested to allow two (2) story multi-family buildings twenty-five (25) feet from single-family properties and five (5) stories, seventy (70) feet, multi-family buildings thirty (30) feet from single-family properties, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to single-story in height and multi-family buildings located within one-hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.

Applicant Justification for Waivers 1-4: The existing use for the parcel to the north (Parcel #31-24-27-0000-00-018) is single-family, however the Future Land Use Map designation is Village. This parcel is vacant and is currently being marketed as part of a large four corners commercial development. The project exceeds the side yard setback of twenty-five (25) feet.

LOCATION	14506 Avalon Road
PARCEL ID NUMBER	31-24-27-0000-00-007 (parcel to be added to PD) 31-24-27-0000-00-020 (current PD parcel)
TRACT SIZE	1.33 gross acres (parcel to be added) 17.01 gross acres (existing PD parcel)
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred and twelve (112) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	360 Multi-Family Dwelling Units

STAFF RECOMMENDATION

Development Review Committee – (January 22, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of The Registry on Grass Lake Planned Development / Land Use Plan Amendment (PD/LUPA), dated "Received March 9, 2020", subject to the following conditions:

1. Development shall conform to the Registry on Grass Lake Land Use Plan (LUP) dated "Received March 9, 2020," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received March 9, 2020," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to

disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
7. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
8. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
9. The following waivers from Orange County Code are granted:
 - a. A waiver from 38-1258(a) to allow the buildings that will be 5 stories, 70 ft. tall to be 30 ft. from single family, in lieu of buildings within 100 ft. of single family to be single story.
 - b. A waiver from Section 38-1258(b) to allow 100% of multi-family buildings to be five (5) stories, 70 feet in height, thirty (30) feet from single-family zoned property, in lieu of a maximum of fifty (50) percent of the building being three (3) stories (not to exceed forty (40) feet) in height with the remaining building being one (1) story or two (20) stories in height located between 100 and 150 feet from single-family zoned property.
 - c. A waiver from Section 38-1258(c) to allow multi-family buildings five (5) stories, seventy (70) feet in height, thirty (30) feet from single-family properties, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.

- d. A waiver from Section 38-1258(d) to allow two (2) story multi-family buildings twenty-five (25) feet from single-family zoned properties and five (5) stories, seventy (70) feet, multi-family buildings thirty (30) feet from single-family properties, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to single-story in height and multi-family buildings located within one-hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.
10. Except as amended, modified, and / or superseded, the following DRC Conditions of Approval, dated July 2, 2019 shall apply:
- a. The following Education Condition of Approval shall apply:
- i. Developer shall comply with all provisions of the Capacity Enhancement Agreement (CEA #OC-18-040) entered into with the Orange County School Board as of April 23, 2019 as may be amended.
 - ii. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the zero (0) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - iii. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - iv. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - v. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- b. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

- c. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
- d. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- e. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.

IMPACT ANALYSIS

Overview

The existing Registry on Grass Lake PD allows for 360 multi-family dwelling units and was approved on July 2, 2019. Through this request, the applicant is seeking to rezone one parcel north of the existing PD containing 1.33 acres from A-1 (Citrus Rural District) to PD (Planned Development District) and incorporate the subject parcel into the existing Registry at Grass Lake PD. In addition, there are four waivers from Orange County Code requested to reduce the distance separation for five-story multi-family buildings in relation to single-family zoned property. There are no increase in entitlements associated with this request.

Land Use Compatibility

The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Growth Center – Planned Development – Medium High Density Residential (GC-PD-MHDR) which was approved by the Board of County commissioners on December 3, 2019. The proposed PD zoning district and development program is consistent with the FLUM designation. Additionally, the request is consistent with the following CP provisions:

FLU1.1.4 states that Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide at a minimum that the County will not incur initial capital costs for utilities.

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

FLU7.4.4 states that Urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. If services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to

ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

GOAL H1 states that Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

OBJ H1.1 states that the County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents

SITE DATA

Existing Use	Single-Family Residential
Adjacent Zoning	N: A-1 (Citrus Rural District) (1957) E: PD (Sutton Lakes Planned Development District) (1996) W: PD (Cassis Planned Development District) (1995) S: A-2 (Farmland Rural District) (1958)
Adjacent Land Uses	N: Single Family Residential / Undeveloped Land E: Undeveloped Land W: Wetland / Undeveloped Land S: Undeveloped Land

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback	25 feet
Maximum Building Height:	70 feet / 5-stories
Minimum Living Area:	600 Square Feet (under HVAC)
<u>Minimum Building Setbacks</u>	
Avalon Road Setback:	35 feet
Rear Setback:	25 feet
Side Setback:	25 feet

NHWE Setback: 50 feet

SPECIAL INFORMATION

Community Meeting Summary

A community meeting was not required for this application.

Environmental

Environmental Protection Division staff reviewed the request and did not have any issues or concerns.

Transportation / Concurrency

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

The Board of County Commissioners on July 2, 2019 approved a Transportation Impact Fee Agreement ("Agreement") by and between 18 Avalon Road, LLC ("Owner"), and Orange County for the dedication of right-of-way for Avalon Road/ C.R. 545. Within 120 days of the effective date of this Agreement, 18 Avalon Road, LLC shall convey 0.313 acres of right of way by general warranty deed. The Agreement provides for \$345,000 per acre for the conveyance of right-of-way. For the dedication of 0.313 acres of right-of-way for Avalon Road/C.R. 545 the Owner will receive a total of \$106,950 in transportation impact fee credits.

Utilities

	<u>Existing service or provider</u>
Water:	Toho Water Authority
Wastewater:	Toho Water Authority
Reclaimed:	Toho Water Authority

Schools

Orange County Public School (OCPS) staff have reviewed the request and have not provided any issues or concerns.

Parks and Recreation

Parks and Recreation staff have reviewed the proposed request and have not provided any issues or concerns.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the

County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (June 5, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of The Registry on Grass Lake Planned Development / Land Use Plan Amendment (PD/LUPA), dated "Received March 9, 2020", subject to the following conditions:

1. Development shall conform to the Registry on Grass Lake Land Use Plan (LUP) dated "Received March 9, 2020," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received March 9, 2020," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of)

development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the

applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

7. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
8. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
9. The following waivers from Orange County Code are granted:
 - a. A waiver from 38-1258(a) to allow the buildings that will be 5 stories, 70 ft. tall to be 30 ft. from single family, in lieu of buildings within 100 ft. of single family to be single story.
 - b. A waiver from Section 38-1258(b) to allow 100% of multi-family buildings to be five (5) stories, 70 feet in height, thirty (30) feet from single-family zoned property, in lieu of a maximum of fifty (50) percent of the building being three (3) stories (not to exceed forty (40) feet) in height with the remaining building being one (1) story or two (2) stories in height located between 100 and 150 feet from single-family zoned property.
 - c. A waiver from Section 38-1258(c) to allow multi-family buildings five (5) stories, seventy (70) feet in height, thirty (30) feet from single-family properties, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.
 - d. A waiver from Section 38-1258(d) to allow two (2) story multi-family buildings twenty-five (25) feet from single-family zoned properties and five (5) stories, seventy (70) feet, multi-family buildings thirty (30) feet from single-family properties, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to single-story in height and multi-family buildings located within one-hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.
10. Except as amended, modified, and / or superseded, the following DRC Conditions of Approval, dated July 2, 2019 shall apply:
 - a. The following Education Condition of Approval shall apply:
 - i. Developer shall comply with all provisions of the Capacity Enhancement Agreement (CEA #OC-18-040) entered into with the Orange County School Board as of April 23, 2019 as may be amended.
 - ii. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing

building permits for any residential units in excess of the zero (0) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- iii. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - iv. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - v. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- b. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
 - c. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
 - d. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 - e. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development

Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

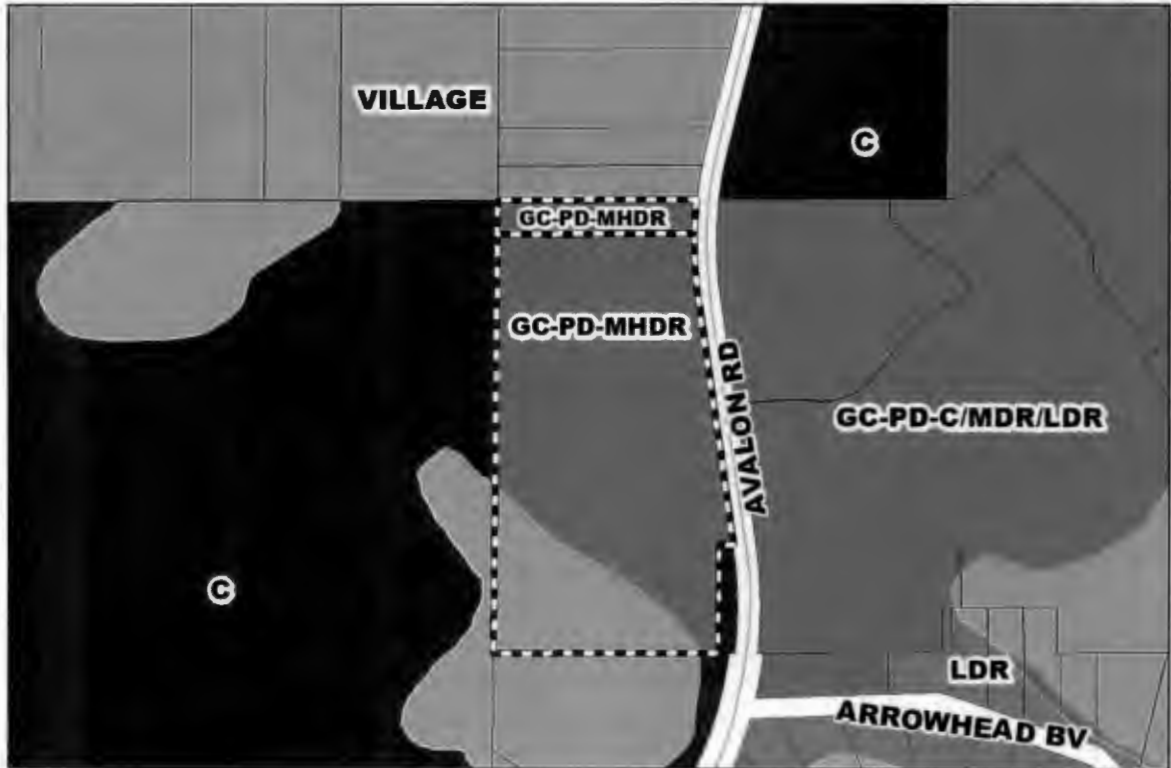
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested The Registry on Grass Lake Planned Development / Land Use Plan Amendment (PD/LUPA). No members of the public were present to speak on this request.



Staff indicated that one hundred twelve (112) notices were sent to property owners extending beyond 1,500 feet surrounding the property, and that staff received zero (0) responses in favor and one (1) response in opposition citing concerns of perceived traffic impacts.

After a short discussion, a motion was made by Commissioner Wade, and seconded by Commissioner Pena to recommend APPROVAL of the requested The Registry on Grass Lake Planned Development / Land Use Plan Amendment (PD/LUPA) dated March 9, 2020 subject to the ten (10) conditions listed in the staff report. The motion carried on a 9-0 vote.

- | | |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Motion / Second | <i>Jimmy Dunn / Mohammed Abdallah</i> |
| Voting in Favor | <i>Jimmy Dunn, Mohammed Abdallah, JaJa Wade, Diane Velazquez, Carlos Nazario, Nelson Pena, Evelyn Cardenas, Eddie Fernandez, and Gordon Spears</i> |
| Voting in Opposition | <i>None</i> |
| Absent | <i>None</i> |

LUPA-19-08-262



 Subject Property
  PD Boundary
 
  Subject Property

Future Land Use Map

FLUM: Growth Center - Planned Development - Commercial/Medium Density Residential (GC-PD-C/MDR)

APPLICANT: Robert Reese, Brossier Corp.

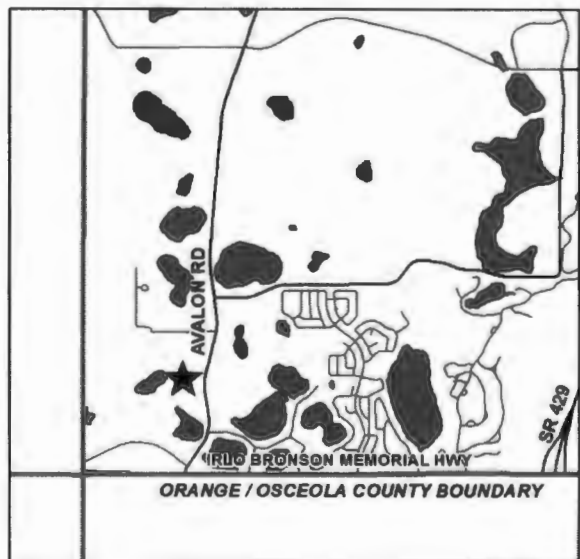
LOCATION: 14506 Avalon Road

TRACT SIZE: 1.37-gross acres

DISTRICT: # 1

S/T/R: 31/24/27

1 inch = 437 feet



LUPA-19-08-262



Subject Property
 PD Boundary

 Subject Property

Zoning Map

Zoning: Citrus Rural District (A-1) to
 Planned Development District (PD)

APPLICANT: Robert Reese, Brossier Corp.

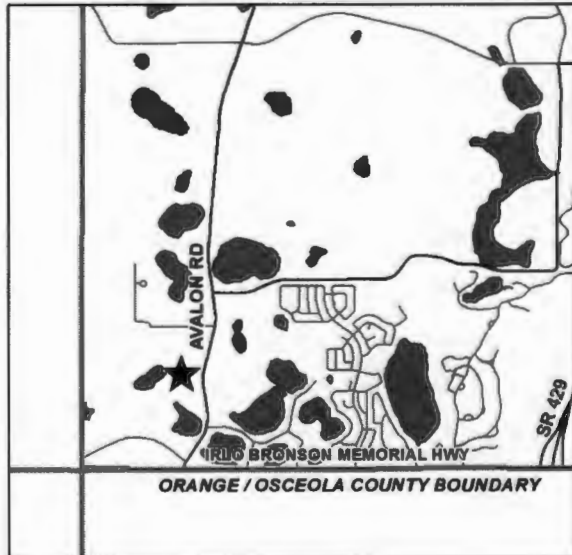
LOCATION: 14506 Avalon Road

TRACT SIZE: 1.37-gross acres

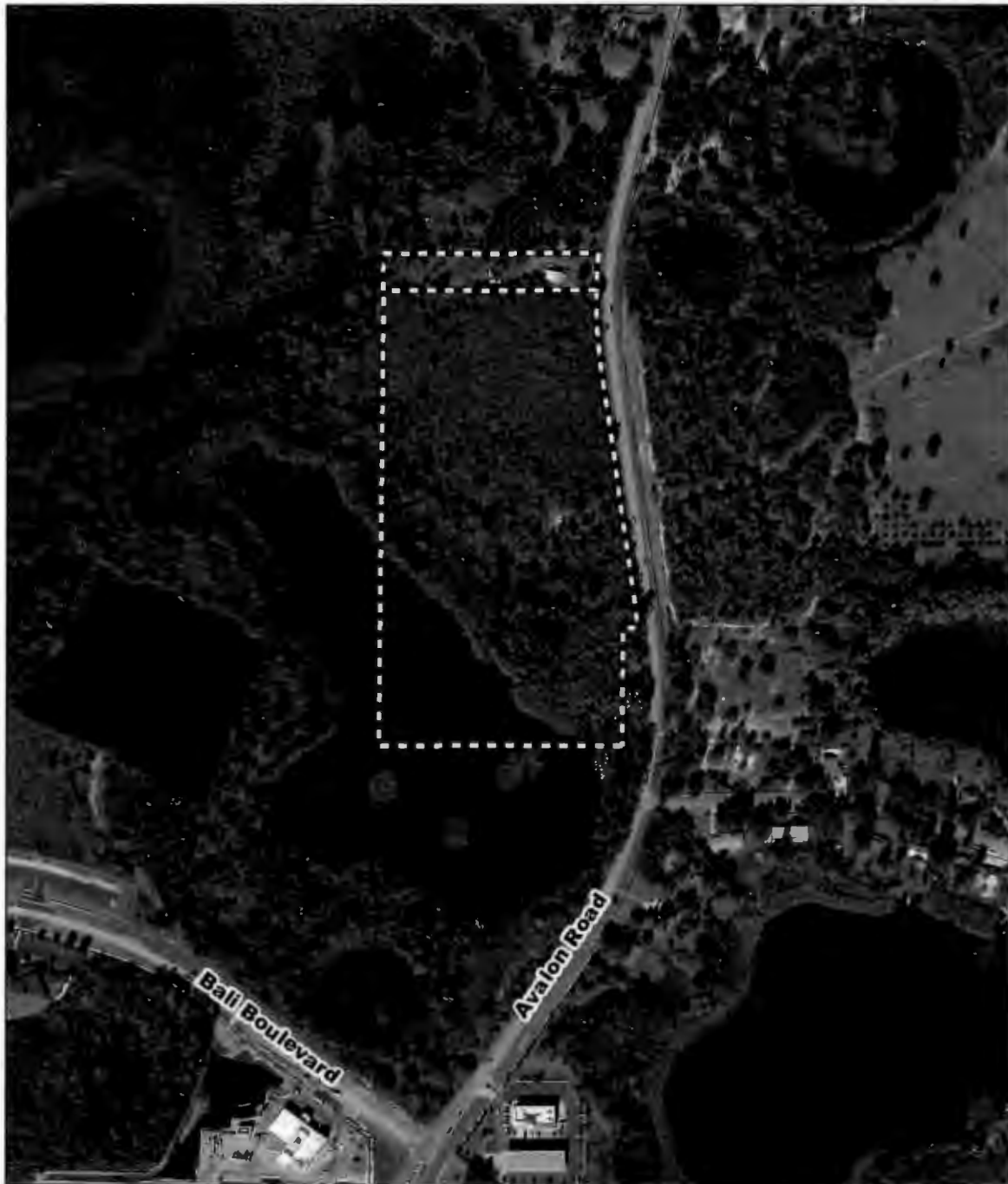
DISTRICT: # 1

S/T/R: 31/24/27

1 inch = 437 feet



LUPA-19-08-262



Subject Property



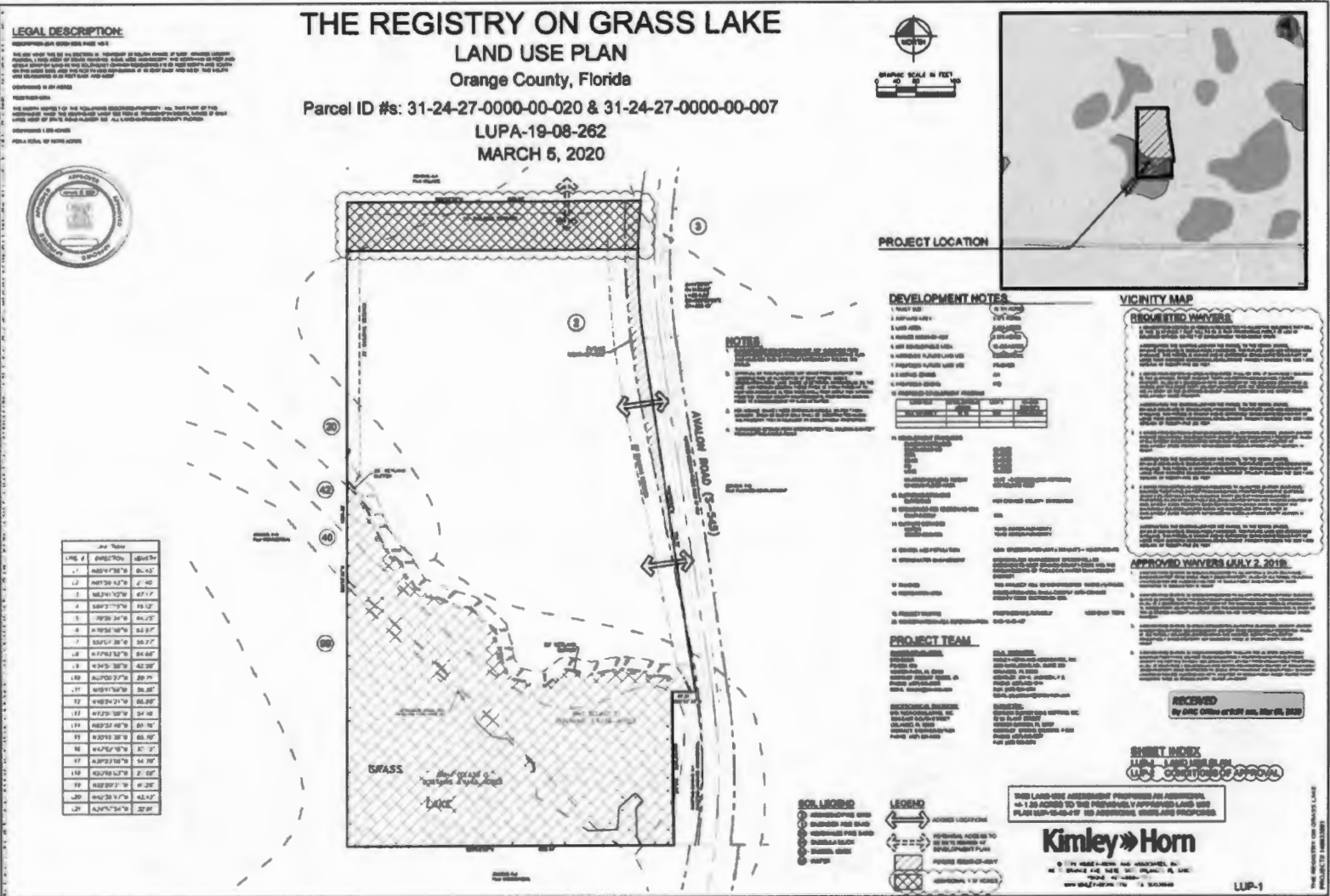
PD Boundary



1 inch = 349 feet

The Registry on Grass Lake PD/LUP

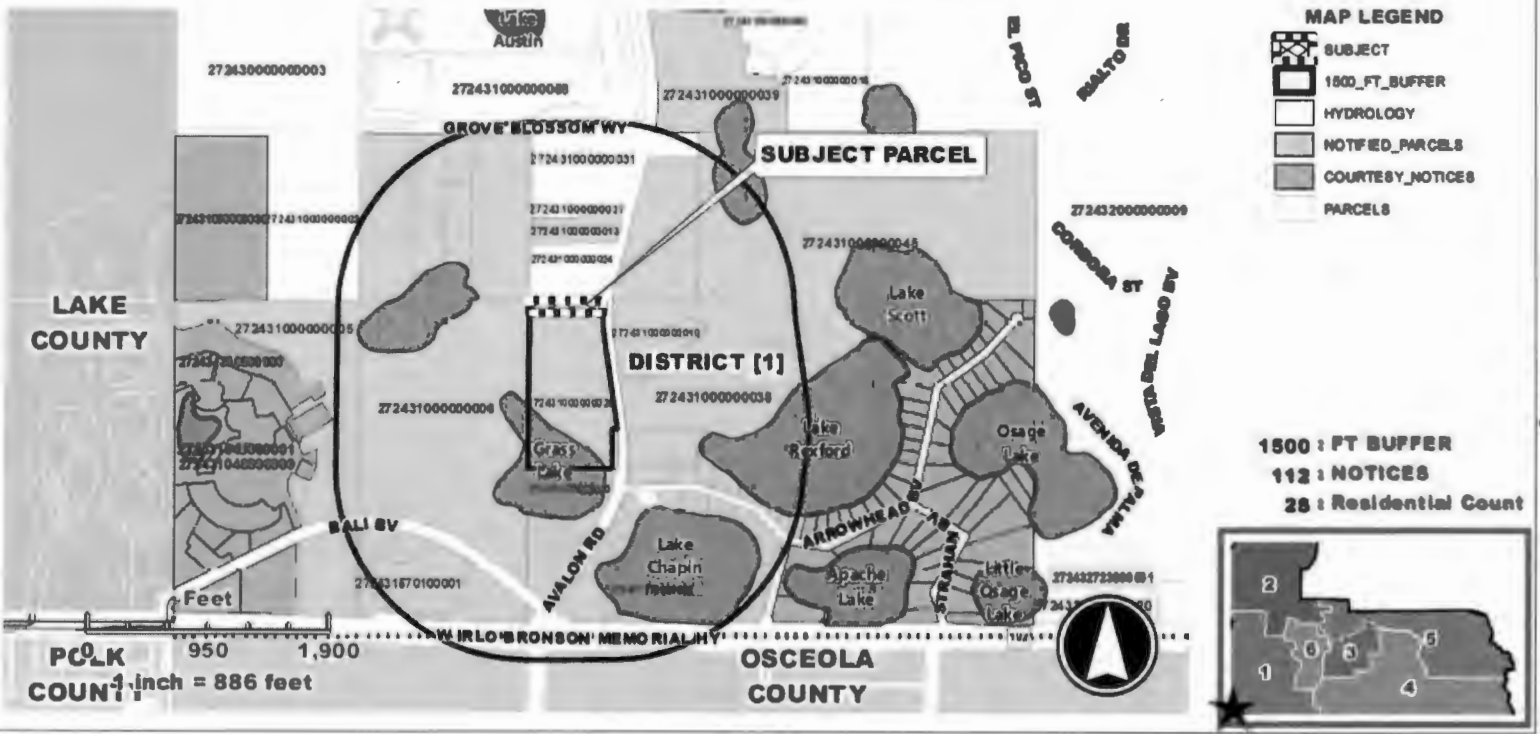
Case # LUPA-19-08-262
 Orange County Planning Division
 PZC Hearing Date: June 5, 2020





Public Notification Map

2019-2-S-1-1_Registry on Grass Lake



Notification Map

Case # LUPA-19-08-262
Orange County Planning Division
PZC Hearing Date: June 5, 2020

CASE # LUP-18-10-334

Commission District: #1

GENERAL INFORMATION

APPLICANT	Kathy Hattaway, Poulos & Bennett, LLC
OWNERS	Titan-Liberty Lake Underhill Joint Venture & Village I-545, LLC
PROJECT NAME	Gem Groves Planned Development (PD)
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-1 (Citrus Rural District) to PD (Planned Development District)

A request to rezone 277.09 acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to develop 370 multi-family, 117 single-family attached, and 365 single-family detached dwelling units, a 5-acre APF park, an elementary school, 200,000 square feet of commercial space, and a communications tower. The request is also to add seven (7) conditional uses to the village center, and includes the following waivers from Orange County Code:

1. A waiver from Orange County Code Section 34-152(c), for Parcels 9; 10; 11; and 12, to allow lots to front a mews, park, open space, etc. and have access via a tract or easement in lieu of the requirement that each lot shall have a minimum access width of twenty (20) feet to a dedicated public paved street.

Applicant Justification: Orange County Code Section 38-1382(h)(6), for Parcels 9; 10; 11; and 12, provides for the incorporation of mews in project design where residential units have only rear access. Legal access to these lots will be through an ingress/egress easement shown on the plat.

2. A waiver from Orange County Code Section 38-1382(h)(4), for Parcels 9; 10; 11; and 12, to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement.

Applicant Justification: *The alleys are to be owned and maintained by the Home Owners Association (HOA). Placing them in a fee simple tract without underlying individual ownership allows for a clearer separation of ownership and maintenance responsibilities.*

3. A waiver from Orange County Code Section 38-1384(g)(1), for Parcels 9; 10; 11; and 12, to allow garage access to be setback from an alley tract in lieu of an easement.

Applicant Justification: *The alleys are to be owned and maintained by the Home Owners Association (HOA). Placing them in a fee simple tract without underlying individual ownership allows for a clearer separation of ownership and maintenance responsibilities.*

4. A waiver from Orange County Code Section 38-1384(g)(2), for Parcels 9; 10; 11; and 12, to allow detached garages without access to a rear alley tract, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot in lieu of detached garages without access to a rear alley easement, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot.

Applicant Justification: *The alleys are to be owned and maintained by the Home Owners Association (HOA). Placing them in a fee simple tract without underlying individual ownership allows for a clearer separation of ownership and maintenance responsibilities.*

5. A waiver from Orange County Code Section 38-1384(i)(2), for Parcels 9; 10; 11; and 12, to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.

Applicant Justification: *The alleys are to be owned and maintained by the Home Owners Association (HOA). Placing them in a fee simple tract without underlying individual ownership allows for a clearer*

separation of ownership and maintenance responsibilities.

Waivers #6 through #14 apply both internally and externally to the Gem Groves PD.

6. A waiver from Orange County Code Section 38-1258(a), for Parcel 22 and 24, to allow multi-family residential buildings located within fifty (50) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height in lieu of the requirement that multi-family buildings within one hundred (100) feet of a single-family zoned property be restricted to a single-story height.

Applicant Justification: *The Village I SPA and Horizon West principles promote compact pedestrian-oriented environments by creating a mixed-use character through the integration of uses. The separation of residential multi-family buildings is contrary to the principles of walkable neighborhoods. Section 38-1258, Orange County Code is intended to provide compatibility between multi-family and single-family developments on a countywide basis. These requirements are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. By allowing taller multi-family buildings, adjacent to single-family zoned property, development will be more consistent and compatible with Village I principles.*

7. A waiver from Orange County Code Section 38-1258(b), for Parcels 22 and 24, to allow multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.

Applicant Justification: *The Village I SPA and Horizon West principles promote compact pedestrian-oriented environments by creating a mixed-use character through the integration of uses. The separation of residential multi-family buildings is contrary to the principles of walkable neighborhoods. Section 38-1258, Orange County Code is intended to provide compatibility between multi-family and single-family developments on a countywide basis. These requirements are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. By allowing taller multi-family buildings, adjacent to single-family zoned property, development will be more consistent and compatible with Village I principles.*

8. A waiver from Orange County Code Section 38-1258(c), for Parcel 22 and 24, to allow multi-family buildings located within fifty (50) feet of a single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.

Applicant Justification: *The Village I SPA and Horizon West principles promote compact pedestrian-oriented environments by creating a mixed-use character through the integration of uses. The separation of residential multi-family buildings is contrary to the principles of walkable neighborhoods. Section 38-1258, Orange County Code is intended to provide compatibility between multi-family and single-family developments on a countywide basis. These requirements are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. By allowing taller multi-family buildings, adjacent to single-family zoned property, development will be more consistent and compatible with Village I principles.*

9. A waiver from Orange County Code Section 38-1258(d), for Parcels 22 and 24, to allow multi-family

buildings constructed up to five-stories and 65 feet in height, in lieu of the restriction that a multi-family development shall be limited to three (3) stories (forty (40) feet) in height.

Applicant Justification: *Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. New urbanism is a core design principle in Village I. The height restrictions listed in Code Section 38-1258 are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. By allowing taller multi-family buildings development will be more consistent and compatible with Village I principles.*

10. A waiver from Orange County Code Section 38-1258(e), for Parcels 22 and 24, to allow parking and paved areas for multi-family development fifteen (15) feet from single-family zoned property, in lieu of the restriction that a parking and paved areas shall be twenty-five (25) feet from single-family zoned property.

Applicant Justification: *Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. The separation of parking and paved areas is contrary to new urbanism and creating a mix of land uses. New urbanism is a core design principle in Village I. The separation requirements listed in Code Section 38-1258 are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. By allowing parking and paved areas up to fifteen (15) of adjacent to single-family zoned*

property, development will be more consistent and compatible with Village I principles.

11. A waiver from Orange County Code Section 38-1258(f), for Parcels 22 and 24, to not require a six (6) foot high masonry, brick, or block wall as part of the multi-family development since it is adjacent to single-family zoned property, in lieu of the a six (6) foot high masonry, brick, or block wall requirement.

Applicant Justification: *Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. The separation of land uses via a six (6) foot high masonry, brick, or block wall is contrary to new urbanism and creating a mix of land uses. New urbanism is a core design principle in Village I. The separation requirements listed in Code Section 38-1258 are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. By not requiring a six (6) foot high masonry, brick, or block wall adjacent to single-family zoned property, development will be more consistent and compatible with Village I principles.*

12. A waiver from Orange County Code Section 38-1258(g), for Parcel 22 and 24, to allow shared access for multi-family and single-family residential and to allow multi-family residential to directly access a right-of-way serving platted single-family residential development, in lieu of the requirement that multi-family development shall not directly access any right-of-way serving platted single-family residential.

Applicant Justification: *Multi-family units will be accessible by an APF roadway. Potential access points are limited, for Parcel 22 and 24, based upon minimum distance separation requirements and required APF roadways. The ability to comply with County Code Section 38-1258(g) is limited and compliance restricts the rational design of the site. Also, Village I planning principles promote compact design and the integration of uses. Adding additional access points, to the PD, to divide single-family and*

multi-family uses from accessing the same right-of-way is contrary to the intent of Village I. While there are no single-family units proposed within Parcels 22 and 24, this waiver is applicable because a PD application is being processed for an adjacent development that will also access the APF roadways.

13. A waiver from Orange County Code Section 38-1258(i), for Parcels 22 and 24, to not require fencing as part of the multi-family development simply because it is adjacent to right-of-way that has single family zoned property across the right-of-way, in lieu of the requirement that multi-family development shall have fencing as part of the development because it is adjacent to right-of-way that has single family zoned property across the right-of-way.

Applicant Justification: *Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. Fences are contrary to new urbanism and creating a mix of land uses. New urbanism is a core design principle in Village I. By not requiring fences as a part of multi-family residential, development will be more consistent and compatible with Village I principles as well as allow interconnected design between Parcels 22 and 24 in Village I.*

14. A waiver from Orange County Code Section 38-1258(j), for Parcels 22 and 24, to require a minimum separation of twenty (20) feet between buildings, in lieu of the requirement where doors, windows, or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, there shall be a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for building three (3) stories.

Applicant Justification: *Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards*

listed in Code Section 38-1258 should be considered at the time of the land use plan approval. Large separation between buildings is contrary to new urbanism and creating a mix of land uses. New urbanism is a core design principle in Village I.

15. A waiver from Section 30-714(c) is requested to allow the project to proceed beyond 5% of the approved PD entitlements, which 5% threshold is identified in the APF Agreement as 42 dwelling units (attached or detached); provided, however, that prior to said 5% threshold being reached or exceeded: (A) the future APF Right-of-Way have been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County; (B) the Stormwater Site, as defined in the APF Agreement has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County and; (C) the approximately 5.0 acre APF Park has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County.

Applicant Justification: *The school site cannot be conveyed unless and until the School Board of Orange County requests such conveyance.*

16. A waiver from Orange County Code Section 38-1384(i)(3), for the hatched areas on Parcel 10 on the plan dated "Received January 21, 2020," to allow lots facing the Lake Star APF road access to garages and off-street parking surfaces from the APF road in lieu of the requirement that vehicular access to garages or other off-street parking surfaces on all lots facing the primary side of an APF road shall be provided from a rear alley or easement.

Applicant Justification: *The waiver will allow for the development of lots along the west side of Lake Star and provide an acceptable APF road alignment. Additionally, it will accommodate the grading needed from the wetland buffers of Lake Star to the back of building pads since the ability to provide rear access to lake front lots is limited.*

17. A waiver from Section 38-1427(d)(2)(d) to allow a Monopole between 80 feet and 140 feet in height to be within 50' of Vacant Unplatted Residentially-Zoned

Lands in lieu of the distance requirement of 400' or 500% of height of tower, whichever is greater.

Applicant Justification: *The proposed communication tower location is within the Village Center where it is sited in an isolated area in the northwestern portion of the Village Center area. Communication towers are necessary in this area to provide service to the significant residential and commercial development that is planned. The Village Center District is an area designated within the Village Code for communication towers, and it is accepted, based on Horizon West design principles, that residential development will be constructed in and adjacent to the Village Center. This waiver specifically addresses the distance to the future multi-family development with the Village Center.*

LOCATION	North and south of Flemings Road / West of C.R. 545 (Avalon Rd.) / West of Lake Star Road
PARCEL ID NUMBER	19-24-27-0000-00-012, 19-24-27-0000-00-013, 19-24-27-0000-00-014, 19-24-27-0000-00-015, 19-24-27-0000-00-002, 19-24-27-0000-00-021
TRACT SIZE	277.09 gross acres / 201.79 developable acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eighteen (18) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Three hundred seventy (370) multi-family, one hundred seventeen (117) single-family attached, and three hundred sixty-five (365) single-family detached dwelling units, a 5-acre APF park, an elementary school, 200,000 square feet of commercial space, and a communications tower.

STAFF RECOMMENDATION

Development Review Committee – (March 11, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Gem Groves Planned Development / Land Use Plan (PD/LUP), dated "January 21, 2020", subject to the following conditions of approval:

1. Development shall conform to the Gem Groves Land Use Plan (LUP) dated "Received January 21, 2020," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received January 21, 2020," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is

subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Pursuant to the BCC's acceptance of the Village I Term Sheet on November 13, 2018, this project shall comply with the terms and conditions of the Village I Road Network Agreement recorded at Doc# 20200109451, Public Records of Orange County, Florida, as may be amended from time to time.
7. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
8. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
9. If applicable, the applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the adjacent northeastern land use includes facilities with operations that may result in periodic temporary conditions that may cause odors, noise disturbance and dust.

10. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
11. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
12. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
13. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
14. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
15. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
16. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.

17. Prior to construction plan approval, all property owners within the Village I, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
18. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
19. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
20. Pole signs and billboards shall be prohibited. Ground and fascia signs within the Village Center shall comply with Chapter 31.5 Village PD standards of the Orange County Code. Wall and fascia signs for the Elementary school shall comply with Orange County Code Section 38-1755 (o) of the Orange County Code and all other developments other than the Village Center and the School shall comply with Chapter 31.5 of the Orange County Code.
21. Outside sales, storage, and display shall be prohibited within the Village Center.
22. A 5-year interim Master Utility Plan (MUP) for Village I must be approved prior to Construction Plan approval within this PD.
23. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP) for Village I. MUP updates shall be submitted to Orange County Utilities at least thirty (30) prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
24. Prior to or concurrent with construction plan approval of any PSP / DP along Flemings Road, the road shall be brought up to County rural cross-section standards from the entrance to the site to the APF southern connector road and CR 545, as applicable, including intersection improvements at CR 545 and Flemings Road.
25. Prior to construction plan approval for Parcels 22 or 24, the APF southern connector road rural segment (from APF urban section terminus to CR 545) shall be constructed to County APF urban cross-section standards and drainage from that segment shall be incorporated into the development's stormwater system with a drainage easement dedicated to Orange County.
26. The following waivers from Orange County Code are requested:
 - a. A waiver from Orange County Code Section 34-152(c), for Parcels 9; 10; 11; and 12, to allow lots to front a mews, park, open space, etc. and have access via a tract or easement in lieu of the requirement that each lot shall have a minimum access width of twenty (20) feet to a dedicated public paved street.

- b. A waiver from Orange County Code Section 38-1382(h)(4), for Parcels 9; 10; 11; and 12, to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement.
- c. A waiver from Orange County Code Section 38-1384(g)(1), for Parcels 9; 10; 11; and 12, to allow garage access to be setback from an alley tract in lieu of an easement.
- d. A waiver from Orange County Code Section 38-1384(g)(2), for Parcels 9; 10; 11; and 12, to allow detached garages without access to a rear alley tract, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot in lieu of detached garages without access to a rear alley easement, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot.
- e. A waiver from Orange County Code Section 38-1384(i)(2), for Parcels 9; 10; 11; and 12, to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.
- f. A waiver from Orange County Code Section 38-1258(a), for Parcel 22 and 24, to allow multi-family residential buildings located within fifty (50) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height in lieu of the requirement that multi-family buildings within one hundred (100) feet of a single-family zoned property be restricted to a single-story height.
- g. A waiver from Orange County Code Section 38-1258(b), for Parcels 22 and 24, to allow multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.
- h. A waiver from Orange County Code Section 38-1258(c), for Parcel 22 and 24, to allow multi-family buildings located within fifty (50) feet of a single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.
- i. A waiver from Orange County Code Section 38-1258(d), for Parcels 22 and 24, to allow multi-family buildings constructed up to five-stories and 65 feet in

height, in lieu of the restriction that a multi-family development shall be limited to three (3) stories (forty (40) feet) in height.

- j. A waiver from Orange County Code Section 38-1258(e), for Parcels 22 and 24, to allow parking and paved areas for multi-family development fifteen (15) feet from single-family zoned property, in lieu of the restriction that a parking and paved areas shall be twenty-five (25) feet from single-family zoned property.
- k. A waiver from Orange County Code Section 38-1258(f), for Parcels 22 and 24, to not require a six (6) foot high masonry, brick, or block wall as part of the multi-family development since it is adjacent to single-family zoned property, in lieu of the a six (6) foot high masonry, brick, or block wall requirement.
- l. A waiver from Orange County Code Section 38-1258(g), for Parcel 22 and 24, to allow shared access for multi-family and single-family residential and to allow multi-family residential to directly access a right-of-way serving platted single-family residential development, in lieu of the requirement that multi-family development shall not directly access any right-of-way serving platted single-family residential.
- m. A waiver from Orange County Code Section 38-1258(i), for Parcels 22 and 24, to not require fencing as part of the multi-family development simply because it is adjacent to right-of-way that has single family zoned property across the right-of-way, in lieu of the requirement that multi-family development shall have fencing as part of the development because it is adjacent to right-of-way that has single family zoned property across the right-of-way.
- n. A waiver from Orange County Code Section 38-1258(j), for Parcels 22 and 24, to require a minimum separation of twenty (20) feet between buildings, in lieu of the requirement where doors, windows, or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, there shall be a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for building three (3) stories.
- o. A waiver from Section 30-714(c) is requested to allow the project to proceed beyond 5% of the approved PD entitlements, which 5% threshold is identified in the APF Agreement as 42 dwelling units (attached or detached); provided, however, that prior to said 5% threshold being reached or exceeded: (A) the future APF Right-of-Way have been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County; (B) the Stormwater Site, as defined in the APF Agreement has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County and; (C) the approximately 5.0 acre APF Park has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County.
- p. A waiver from Orange County Code Section 38-1384(i)(3), for the hatched areas on Parcel 10 on the plan dated "Received January 21, 2020," to allow lots facing the Lake Star APF road access to garages and off-street parking surfaces from

the APF road in lieu of the requirement that vehicular access to garages or other off-street parking surfaces on all lots facing the primary side of an APF road shall be provided from a rear alley or easement.

- q. A waiver from Section 38-1427(d)(2)(d) to allow a Monopole between 80 feet and 140 feet in height to be within 50' of Vacant Unplatted Residentially-Zoned Lands in lieu of the distance requirement of 400' or 500% of height of tower, whichever is greater.

IMPACT ANALYSIS

Overview

The applicant is seeking to rezone the subject parcels from A-1 (Citrus Rural District) to PD (Planned Development District) in order to develop 370 multi-family, 117 single-family attached, and 365 single-family detached dwelling units, a 5-acre APF park, an elementary school, 200,000 square feet of commercial space, and a communications tower. The request is also to rearrange the conceptual special planning area land use districts, and to add seven (7) conditional uses to the village center. There are seventeen (17) waivers from Orange County Code associated with this request, to address lot access, tracts in lieu of easements, garage setbacks, height and separation requirements between multi-family and single-family development, shared access for multi-family and single-family, timing of school site conveyance, Adequate Public Facility (APF) road access to individual lots, and distance separation between the communication tower and residentially zoned lands.

Given the 124.06 net developable acres, the required residential density of the Village Center, Village Home, Garden Home Mixed Use, and Apartment Districts, the required residential yield is 728 dwelling units. The applicant is proposing to use 124 Transfer of Development Rights (TDR) credits internally within the proposed PD, increasing the development program to the proposed 852 dwelling units. A TDR agreement is being reviewed by Orange County staff and is required to be approved and recorded prior to scheduling the public hearing for this rezoning with the Board of County Commissioners.

There are 17.11 acres of Adequate Public Facilities (APF) lands required with this application, with 26.49 acres being dedicated for rights-of-way, stormwater treatment and attenuation for APF land, an Elementary School, and an APF park, which creates an APF surplus of 9.38 acres. An APF agreement (RAG-19-11-050) is was approved by the Roadway Agreement Committee on January 15, 2020.

Land Use Compatibility

The applicant is seeking to rezone the subject property from A-1 (Citrus Rural District) to PD (Planned Development District) and, in order to construct Three hundred seventy (370) multi-family, one hundred seventeen (117) single-family attached, and three hundred fifty-six (356) single-family detached dwelling units, a 5-acre APF park, an elementary school, 200,000 square feet of commercial space, and a communications tower.

The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V), indicating that it is within the Horizon West Special Planning Area. More specifically, the subject property is located within Horizon West Village I and is currently proposed as Garden Home Mixed Use District, Village Home District, Apartment District, and Village Center District, as well as APF Park and Elementary School. The Garden Home Mixed Use District has a required density of four (4) dwelling units per net developable acre, and a maximum permitted density eight (8) dwelling units per net developable acre with the use of Transfer of Development Rights (TDR) credits. The Village Home District has a required density of six (6) dwelling units per net developable acre, and a maximum permitted density twelve (12) dwelling units per net developable acre with the use of Transfer of Development Rights (TDR) credits. The Apartment District has a required density of sixteen (16) dwelling units per net developable acre, and a maximum permitted density twenty (20) dwelling units per net developable acre with the use of Transfer of Development Rights (TDR) credits. The Village Center District has a required density of five (5) dwelling units per net developable acre. The proposed PD zoning district and development program is consistent with Village (V) FLUM designation and the following CP provisions:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

GOAL FLU4 (Horizon West) states that it is Orange County’s goal to ensure sustainable, quality development in Southwest Orange County to allow a transition from rural to urban uses while protecting environmental quality.

OBJ FLU4.1 states that Orange County shall use a Village Land Use Classification to realize the long range planning vision for West Orange County created through the Horizon West planning process. The Village land use classification has been designed to address the need to overcome the problems associated with and provide a meaningful alternative to the leap-frog pattern of sprawl now occurring in western Orange and eastern Lake County; create a better jobs/housing balance between the large concentration of employment in the tourism industry and the surrounding land uses; create a land use pattern that will reduce reliance on the automobile by allowing a greater variety of land uses closer to work and home; and, replace piecemeal planning that reacts to development on a project by project basis with a long range vision that uses the Village as the building block to allow the transition of this portion of Orange County from rural to urban use through a specific planning process that uses a creative design approach to address regional, environmental, transportation, and housing issues.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.

FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

SITE DATA

Existing Use	Undeveloped Land / Farm Land
Adjacent Zoning	N: A-1 (Citrus Rural District) (1957) E: A-1 (Citrus Rural District) (1957) A-2 (Farmland Rural District) (1957) W: Lake County S: Planned Development (Lake Mac PD) (2019) Planned Development (Spring Grove-Jaffers PD) (2018)
Adjacent Land Uses	N: Undeveloped Land / Farm Land E: Undeveloped Land / Concrete processing facility

W: Undeveloped Land / Farm Land

S: Undeveloped Land / Farm Land

APPLICABLE PD DEVELOPMENT STANDARDS

Unless expressly waived by the Board of County Commissioners, development shall comply with all standards found in Section 38-1387 (Garden Home Mixed Use District, Village Home District, Apartment District, and Village Center District) of the Village Planned Development Code.

SPECIAL INFORMATION

Community Meeting Summary

A community meeting was not required for this application.

Environmental

Orange County Conservation Area Determination CAD-18-10-147 was completed for this property with a certified wetland boundary survey approved on May 13th 2019. Orange County Conservation Area Determination CAD-18-09-138 was completed for Lake Rtar Road with a certified wetland boundary survey approved on August 8th 2019. These determinations are binding for a period of five years.

This project site has a prior land use that may have resulted in petroleum spills, agricultural related contamination (including cattle operations), and fertilizer, pesticide or herbicide spillage. Prior to any preliminary subdivision plan or development plan (PSP/DP) submittal, the Orange County EPD will require a completed Phase I Environmental Site Assessment (ESA). If a site is determined to have soil or groundwater contamination, then the applicant must provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels. Depending upon the Phase I results, sampling of soils and/or groundwater may also be required prior to platting and to approvals of any site disturbance other than for remediation if necessary. Depending upon the findings of the ESAs, then additional conditions of approval including required covenants, conditions, and restrictions (CCRs), will be necessary regarding the contamination status and history of site assessments.

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for any septic systems; and the Water Management District, as well as the DOH, for wells.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (endangered, threatened, or species of special concern.) The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

Transportation / Access

On November 13, 2018 the Board of County Commissioners accepted a Term Sheet for Village I. The Roadway Network Agreement being negotiated currently is based on the terms of the term sheet. Per the County's Comprehensive Plan Policy FLU4.3.10, the Roadway Network Agreement, which must substantially conform with the Term Sheet, must be signed by the owners of a majority of the undeveloped acreage in Village I and approved by the BCC prior to approval of the first Preliminary Subdivision Plan and/or Development Plan in Village I, with the exception of any project that has a Capacity Encumbrance Letter issued prior to November 13, 2018. On January 28, 2020, the BCC approved the Horizon West Village I Road Network Agreement which provides for the dedication of right-of-way, completion of design, engineering, permitting, mitigation and construction of four-laning of C.R. 545 (Avalon Road) and Flemings Road.

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Schools

School Capacity Determination OC-19-065 was approved for the subject property on September 27, 2019, indicating there would be sufficient school capacity at the affected schools to support the development of 844 new single-family, multi-family and townhome residential units. This determination expires on September 18, 2020.

Parks and Recreation

Orange County Parks and Recreation reviewed the request, but did not identify any issues or concerns.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (June 5, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Horizon West – Village I - Gem Groves Planned Development / Land Use Plan (PD/LUP), dated "Received January 21, 2020", subject to the following conditions:

1. Development shall conform to the Horizon West – Village I - Gem Groves Land Use Plan (LUP) dated "Received January 21, 2020," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received January 21, 2020," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in

ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Pursuant to the BCC's acceptance of the Village I Term Sheet on November 13, 2018, this project shall comply with the terms and conditions of the Village I Road Network Agreement recorded at Doc# 20200109451, Public Records of Orange County, Florida, as may be amended from time to time.
7. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
8. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
9. If applicable, the applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the adjacent northeastern land use includes facilities with operations that may result in periodic temporary conditions that may cause odors, noise disturbance and dust.

10. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
11. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
12. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
13. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
14. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
15. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
16. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
17. Prior to construction plan approval, all property owners within the Village I, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in

lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.

18. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
19. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
20. Pole signs and billboards shall be prohibited. Ground and fascia signs within the Village Center shall comply with Chapter 31.5 Village PD standards of the Orange County Code. Wall and fascia signs for the Elementary school shall comply with Orange County Code Section 38-1755 (o) of the Orange County Code and all other developments other than the Village Center and the School shall comply with Chapter 31.5 of the Orange County Code.
21. Outside sales, storage, and display shall be prohibited within the Village Center.
22. A 5-year interim Master Utility Plan (MUP) for Village I must be approved prior to Construction Plan approval within this PD.
23. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP) for Village I. MUP updates shall be submitted to Orange County Utilities at least thirty (30) prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
24. Prior to the issuance of the initial Certificate of Occupancy, temporary or permanent, for any portion of each of Parcel 22 (Village Center) and Parcel 24 (Apartment), the Southern Connector Road, as generally described in that certain Flemings Road Developer's Agreement recorded under Instrument Number 20200166971 in the Public Records of Orange County, Florida, with the identified "rural section" built to County APF standards, must be complete and accepted by County. Additionally, as a condition precedent to the issuance by County of the initial vertical building permit within the applicable Parcel, in the event the Southern Connector Road has not been completed and accepted by County, the Developer / Applicant shall have (i) obtained from the County approval of the construction plans for the Southern Connector Road, (ii) entered into a construction contract which provides for the completion thereof, in accordance with such approved plans, within eight (8) months from the date of such contract and which provides that the County is a third party beneficiary to such contract, and (iii) provided to the County performance and payment bonding, reasonably acceptable to the County, for the work to be performed under such contract.
25. Prior to the issuance of a Certificate of Completion for any portion of the Gem Groves PD located north of Flemings Road (all of the Gem Groves PD except for Parcels 22 and 24) one or more of the following roadway improvements shall have been constructed, completed, and accepted by the County in accordance with plans approved by the County, which plans will include provisions for the handling of stormwater associated with such completed roadways: (i) the upgrade (pursuant to Section 6.1(c))

and/or widening (pursuant to Section 2.13) of Flemings Road, in accordance with the Village I Horizon West Road Network Agreement recorded under Instrument Number 2020109451 in the Public Records of Orange County, Florida; OR (ii) the Southern Connector Road, as generally described in that certain Flemings Road Developer's Agreement recorded under Instrument Number 20200166971 in the Public Records of Orange County, Florida, with the identified "rural section" built to County APF standards.

26. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter in accordance with Section 12.1 of the Village I Road Network Agreement recorded at Doc# 20200109451, Public Records of Orange County, Florida, as may be amended from time to time, and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
27. The following waivers from Orange County Code are requested:
- a. A waiver from Orange County Code Section 34-152(c), for Parcels 9; 10; 11; and 12, to allow lots to front a mews, park, open space, etc. and have access via a tract or easement in lieu of the requirement that each lot shall have a minimum access width of twenty (20) feet to a dedicated public paved street.
 - b. A waiver from Orange County Code Section 38-1382(h)(4), for Parcels 9; 10; 11; and 12, to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement.
 - c. A waiver from Orange County Code Section 38-1384(g)(1), for Parcels 9; 10; 11; and 12, to allow garage access to be setback from an alley tract in lieu of an easement.
 - d. A waiver from Orange County Code Section 38-1384(g)(2), for Parcels 9; 10; 11; and 12, to allow detached garages without access to a rear alley tract, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot in lieu of detached garages without access to a rear alley easement, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot.
 - e. A waiver from Orange County Code Section 38-1384(i)(2), for Parcels 9; 10; 11; and 12, to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.
 - f. A waiver from Orange County Code Section 38-1258(a), for Parcel 22 and 24, to allow multi-family residential buildings located within fifty (50) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height in lieu of the requirement that multi-family buildings within one hundred (100) feet of a single-family zoned property be restricted to a single-story height.

- g. A waiver from Orange County Code Section 38-1258(b), for Parcels 22 and 24, to allow multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.
- h. A waiver from Orange County Code Section 38-1258(c), for Parcel 22 and 24, to allow multi-family buildings located within fifty (50) feet of a single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.
- i. A waiver from Orange County Code Section 38-1258(d), for Parcels 22 and 24, to allow multi-family buildings constructed up to five-stories and 65 feet in height, in lieu of the restriction that a multi-family development shall be limited to three (3) stories (forty (40) feet) in height.
- j. A waiver from Orange County Code Section 38-1258(e), for Parcels 22 and 24, to allow parking and paved areas for multi-family development fifteen (15) feet from single-family zoned property, in lieu of the restriction that a parking and paved areas shall be twenty-five (25) feet from single-family zoned property.
- k. A waiver from Orange County Code Section 38-1258(f), for Parcels 22 and 24, to not require a six (6) foot high masonry, brick, or block wall as part of the multi-family development since it is adjacent to single-family zoned property, in lieu of the a six (6) foot high masonry, brick, or block wall requirement.
- l. A waiver from Orange County Code Section 38-1258(g), for Parcel 22 and 24, to allow shared access for multi-family and single-family residential and to allow multi-family residential to directly access a right-of-way serving platted single-family residential development, in lieu of the requirement that multi-family development shall not directly access any right-of-way serving platted single-family residential.
- m. A waiver from Orange County Code Section 38-1258(i), for Parcels 22 and 24, to not require fencing as part of the multi-family development simply because it is adjacent to right-of-way that has single family zoned property across the right-of-way, in lieu of the requirement that multi-family development shall have fencing as part of the development because it is adjacent to right-of-way that has single family zoned property across the right-of-way.
- n. A waiver from Orange County Code Section 38-1258(j), for Parcels 22 and 24, to require a minimum separation of twenty (20) feet between buildings, in lieu of the requirement where doors, windows, or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, there

shall be a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for building three (3) stories.

- o. A waiver from Section 30-714(c) is requested to allow the project to proceed beyond 5% of the approved PD entitlements, which 5% threshold is identified in the APF Agreement as 42 dwelling units (attached or detached); provided, however, that prior to said 5% threshold being reached or exceeded: (A) the future APF Right-of-Way have been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County; (B) the Stormwater Site, as defined in the APF Agreement has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County and; (C) the approximately 5.0 acre APF Park has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County.
- p. A waiver from Orange County Code Section 38-1384(i)(3), for the hatched areas on Parcel 10 on the plan dated "Received January 21, 2020," to allow lots facing the Lake Star APF road access to garages and off-street parking surfaces from the APF road in lieu of the requirement that vehicular access to garages or other off-street parking surfaces on all lots facing the primary side of an APF road shall be provided from a rear alley or easement.
- q. A waiver from Section 38-1427(d)(2)(d) to allow a Monopole between 80 feet and 140 feet in height to be within 50' of Vacant Unplatted Residentially-Zoned Lands in lieu of the distance requirement of 400' or 500% of height of tower, whichever is greater.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

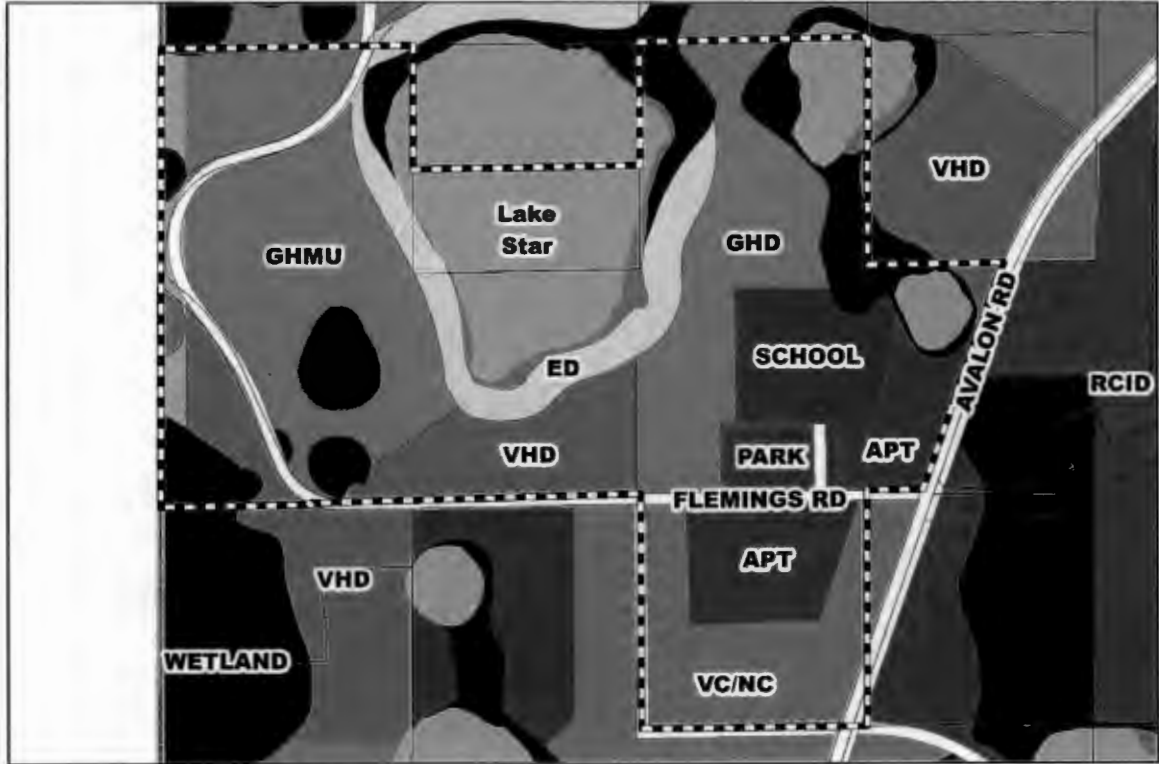
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested PD (Planned Development District) zoning, subject to twenty six (26) conditions. Staff noted that DRC conditions #24 and #25 had been revised since the DRC recommendation, and that new condition #26, the standard Village I concurrency condition, would need to be added

Staff indicated that eighteen (18) notices were sent to an area extending beyond 1,500 feet from the subject property, with zero (0) responses in favor and zero (0) in opposition received. No residents were in attendance to speak on this request.

Following limited discussion, a motion was made by Commissioner Dunn to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the Gem Groves Planned Development / Land Use Plan (PD/LUP) dated "Received January 21, 2020", subject to the twenty six (26) conditions listed in the staff report with the revised Conditions 24 and 25, and new Condition 26. Commissioner Nazario seconded the motion, which was then carried on an 8-0 vote.

Motion / Second	<i>Jimmy Dunn / Carlos Nazario</i>
Voting in Favor	<i>Jimmy Dunn, Carlos Nazario, Eddie Fernandez, JaJa Wade, Nelson Pena, Diane Velazquez, Evelyn Cardenas, and Gordon Spears</i>
Voting in Opposition	<i>None</i>
Absent	<i>Mohammed Abdallah</i>

LUP-18-10-334



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Village (V), Village I Special Planning Area, Garden Home Mixed Use District, Village Home District, Apartment District, and Village Center District

APPLICANT: Kathy Hattaway, Poulos and Bennett, LLC

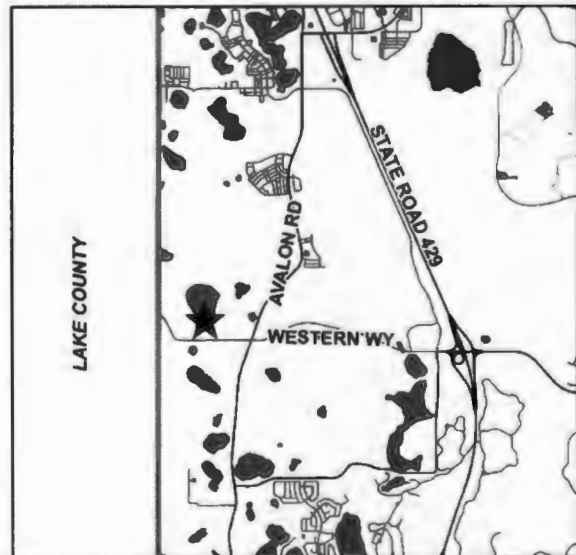
LOCATION: Generally located north and south of Flemings Road / West of C.R. 545 (Avalon Rd.) / West of Lake Star Road

TRACT SIZE: 277.09 gross acres / 201.79 developable acres

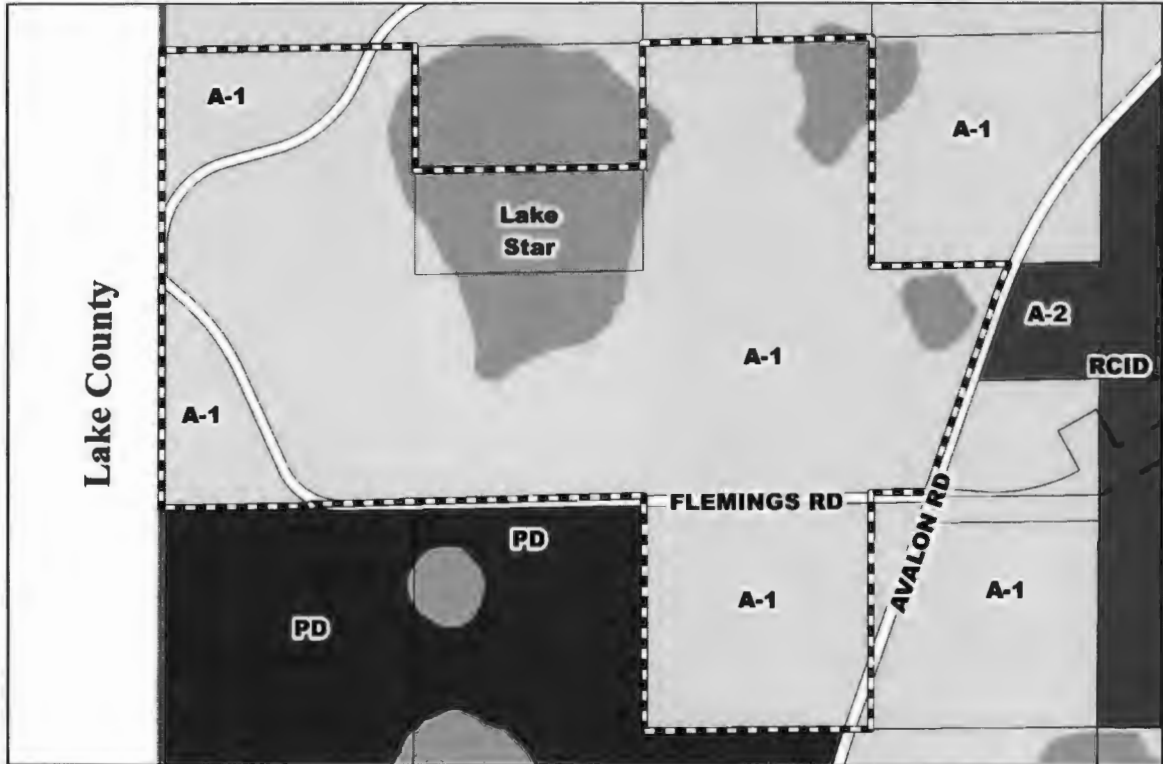
DISTRICT: # 1

S/T/R: 18/24/27, 19/24/27

1 inch = 860 feet



LUP-18-10-334



Subject Property



Subject Property

Zoning Map

ZONING: A-1 (Citrus Rural District) to PD (Planned Development District)

APPLICANT: Kathy Hattaway, Poulos and Bennett, LLC

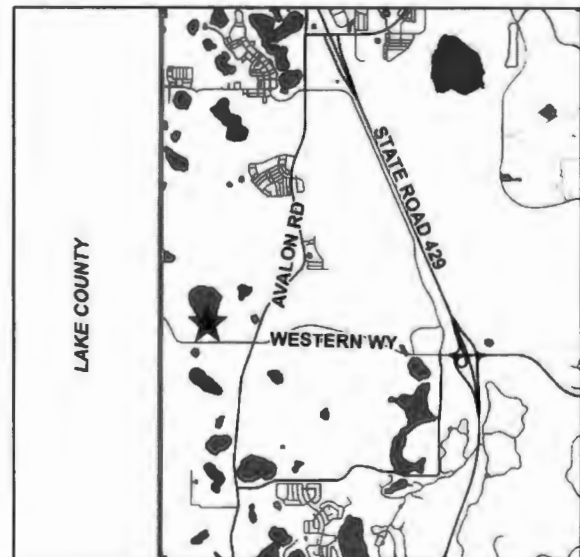
LOCATION: Generally located north and south of Flemings Road / West of C.R. 545 (Avalon Rd.) / West of Lake Star Road

TRACT SIZE: 277.09 gross acres / 201.79 developable acres

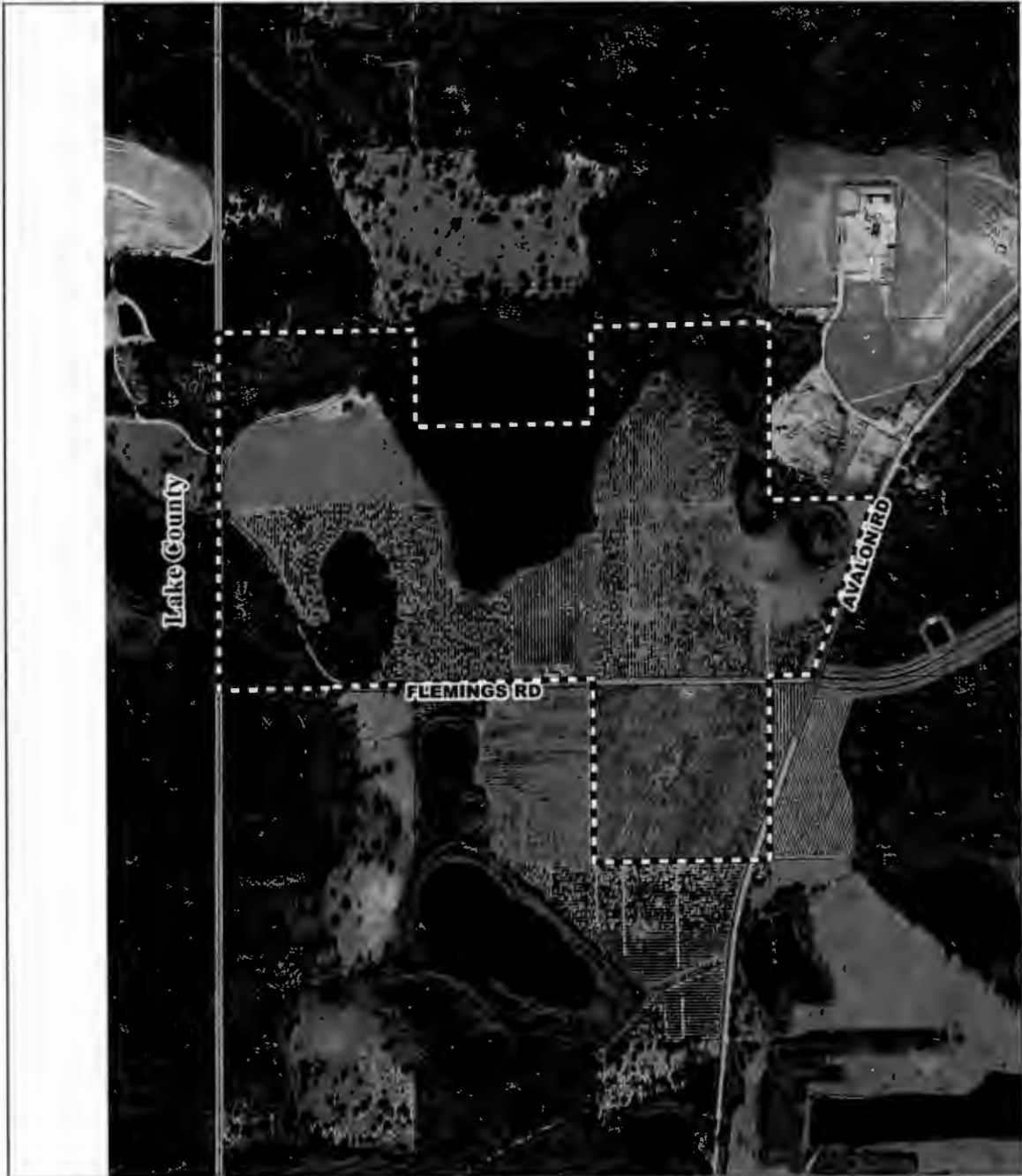
DISTRICT: # 1

S/T/R: 18/24/27, 19/24/27

1 inch = 860 feet



LUP-18-10-334



 Subject Property



1 inch = 975 feet

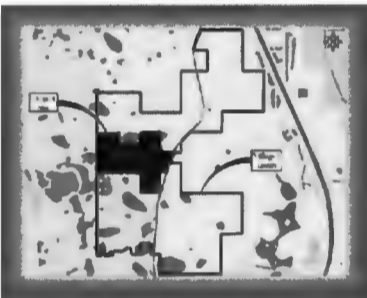
Planned Development/Land Use Plan
for
Horizon West - Village I
Gem Groves PD LUP-18-10-334
Orange County, FL

The Northwest 1/4 of the Northeast 1/4,
the North 1/2 of the East 1/2 of the
the Southeast 1/4 of the Northeast 1/4 of the
the West 1/2 of the East 1/2 of the
the Northeast 1/4 of the Northeast 1/4 of the
the part of the Northeast 1/4 of the Northeast 1/4 of the
the East 1/2 of the Northeast 1/4 of the Northeast 1/4
of Section Twenty 24 South, Range 27 East, Township
the area described herein contains

Parcel Id. No.:
19-24-27-0000-00-002
19-24-27-0000-00-012
19-24-27-0000-00-013
19-24-27-0000-00-014
19-24-27-0000-00-015
19-24-27-0000-00-021

Agent:
Poulos & Bennett C/O Kathy Hattaway
2682 E. Livingston St.
Orlando, FL 32885
407-467-2694

Owner/Applicant:
Trem-Liberty Lake Underhill Joint Venture 80% Int, Village I-446 LLC 80% Int
2888 Lee Rd, Suite 204
Winter Park, FL 32789-7288



Aerial Map

Civil Engineer/Designer
Poulos & Bennett, LLC
2682 East Livingston St.
Orlando, FL 32885
407-467-2694

Planner/Architect
Bio-Tech Consulting, Inc.
392 West South Street
Orlando, FL 32809
407-843-1410

Surveyor
Geometric Solutions & Associates
179 S. Robinson Street
Orlando, FL 32801
407-854-6644

Code	Description	Count
C1.00	Facility Construction	0
C1.05	Land Use Plan	0
C1.10	Land Use Tables	0
C1.11	Plottage Road APP Road Details	0
C1.20	Village Center Conceptual Block Plan	0
C1.30	Planned Uses, Conditional Uses, Variances	0
C1.40	APP & TDR Plans	0
C1.50	Communications Tower Design	0
C1.60	Communications Tower Site Details	0
C1.65	Communications Tower Development Plan	0

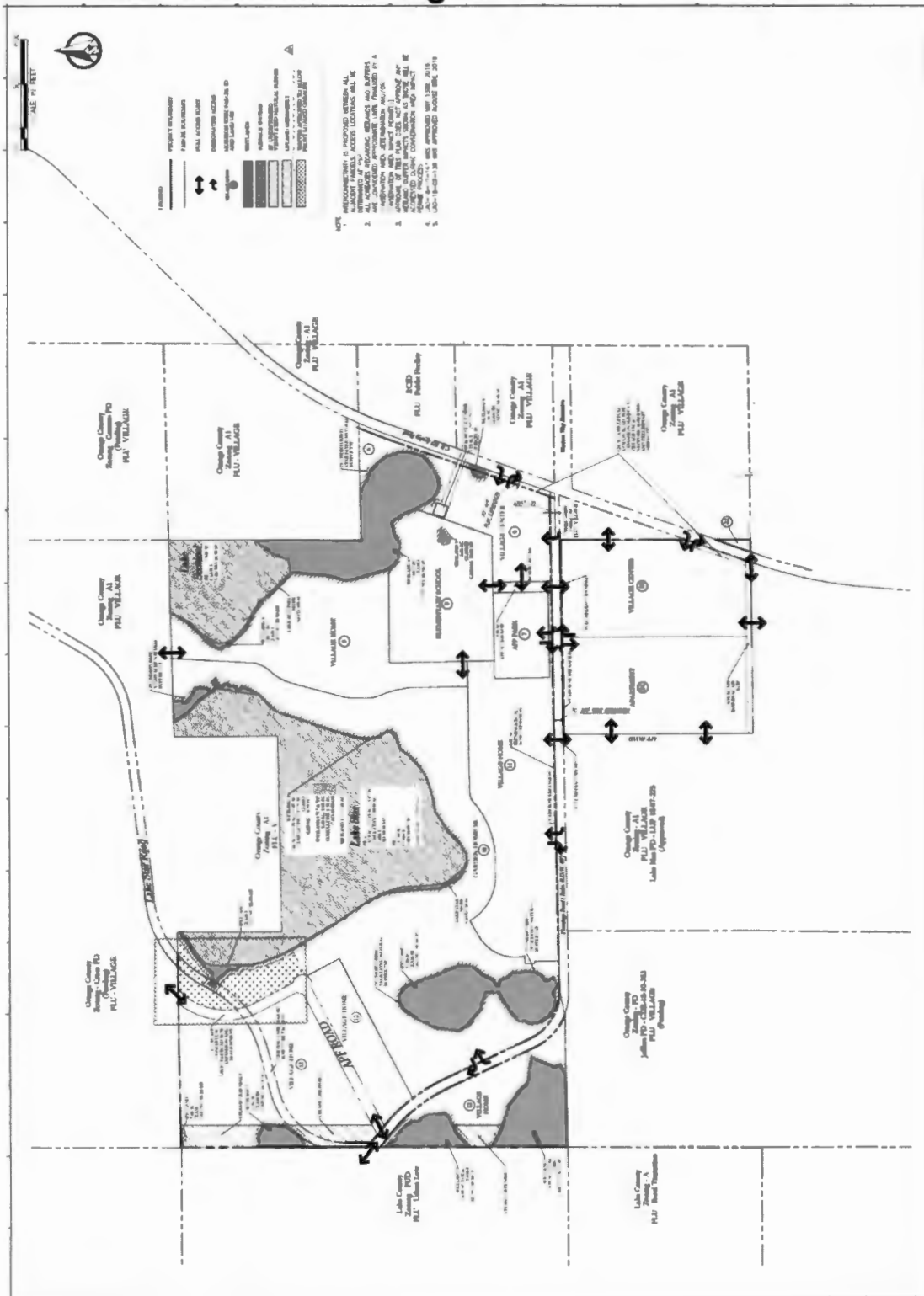
Date	Description
1/16/2020	Submitted to Orange County
3/16/2020	Revised to Orange County
5/12/2020	Revised to Orange County
5/19/2020	Revised to Orange County
1/27/2020	Revised and Resubmitted to Orange County

RECEIVED
By DRC Office at 4:12 pm, Jan 21, 2020



John E. Poulos, P.E., F.A.S.C.E., F.S.E.
14 N. 47th Street, Suite 200
Orlando, FL 32807
www.poulosandbennett.com
407-467-2694

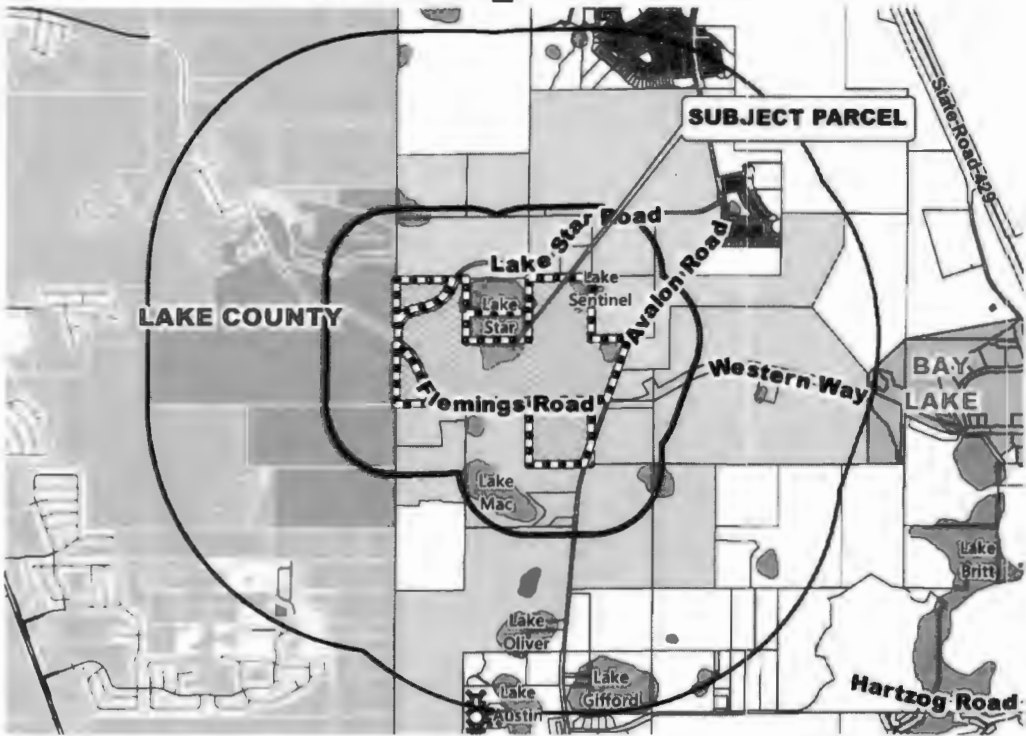
Horizon West – Village I – Gem Groves PD / LUP





Public Notification Map

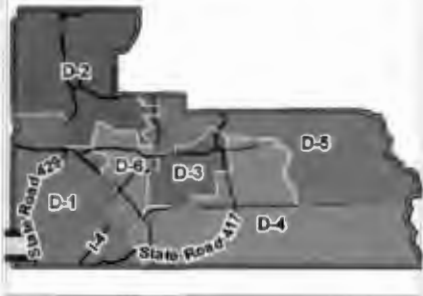
Gem Groves_LUP-18-10-334



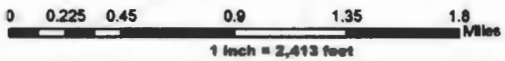
MAP LEGEND

- SUBJECT
- 1800_FT_BUFFER
- 1_MILE_BUFFER
- PARCELS
- HYDROLOGY
- NOTIFIED_PARCELS
- LAKE_COUNTY

BUFFER DISTANCE: 1500
OF NOTICES: 18
RESIDENTIAL ADDRESSES: 0



SUBJECT



D:\GIS\Projects\2018\10\334\Map\Map\MapLegend.aprx

Notification Map

Case # LUP-18-10-334
Orange County Planning Division
PZC Hearing Date: June 5, 2020

**Planning and Zoning Commission /
Local Planning Agency
(PZC / LPA)**

James Dunn District #1

Diane Velazquez District #2

Eddie Fernandez District #3
Vice Chairperson

Carlos D. Nazario, Jr. District #4

J. Gordon Spears District #5
Chairperson

JaJa J. Wade District #6

Mohammed Abdallah At Large

Evelyn Cardenas At Large

Nelson Pena At Large

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Planning and Zoning Commission
June 5, 2020

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RZ-20-04-029 District 5.....	21
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TABLE OF HEARINGS
Planning and Zoning Commission
June 5, 2020

<u>Case # Applicant</u>	<u>Request</u>	<u>Commission District</u>	<u>Recommendations Staff</u>	<u>PZC</u>	<u>BCC Hearing Required</u>
I. REZONING PUBLIC HEARINGS					
RZ-20-04-027 Guillermo Lopez, Loga Investments	<i>R-1A to R-1</i>	5	Approval	Approved	No
RZ-20-04-028 Glen William Austin	<i>R-1AA to R-1</i>	3	Approval	Approved	No
RZ-20-04-029 Eugeno Rodriguez, Villarod, LLC	<i>A-2 to R-1</i>	5	Approval w/ one (1) restriction	Approval w/ one (1) restriction	No
RZ-20-04-031 Bob Ziegenfuss	<i>C-1 to C-2</i>	6	Approval w/ two (2) restrictions	Approval w/ two (2) restrictions	No
II. PLANNED DEVELOPMENT REZONING PUBLIC HEARINGS					
LUP-19-01-044 Mary D. Solik West Orange Environmental Resources PD	<i>A-1 to PD</i>	1	Approval w/ ten (10) conditions	Approval w/ ten (10) conditions	Yes
LUPA-19-08-262 Robert Reese Registry on Grass Lake PD	<i>A-1 to PD</i>	1	Approval w/ ten (10) conditions	Approval w/ ten (10) conditions	Yes
LUP-18-10-334 Kathy Hattaway Gem Groves PD	<i>A-1 to PD</i>	1	Approval w/ twenty-seven (27) conditions	Approval w/ twenty-seven (27) conditions	Yes

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre)	850	100	35	50	10	35	a
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (½ acre)	850	100	35	50	10	35	a
	Mobile Home - 2 acres							
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	a
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	a
R-CE-2	2 acres	1,200	250	45	50	30	35	a
R-CE-5	5 acres	1,200	185	50	50	45	35	a
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	a
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	a
R-1AA	10,000	1,200	85	25 <i>h</i>	30 <i>h</i>	7.5	35	a
R-1A	7,500	1,200	75	20 <i>h</i>	25 <i>h</i>	7.5	35	o
R-1	5,000	1,000	50	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	a
R-2	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	a
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	30	5 <i>h</i>	35	a
	Three DUs, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	a
R-3	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5	35	a
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	a
	Three dwelling units, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	a
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	a
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	35	a
R-T-1								
SFR	4,500 <i>c</i>	1,000	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	a
Mobile home	4,500 <i>c</i>	Min. mobile home size 8 ft. x 35 ft.	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	a
R-T-2	6,000	SFR 500	60	25	25	6	35	a
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.						
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600	100	35	50	10	35	a
		Min. mobile home size 8 ft. x 35 ft.						

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80/90 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 11,250	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail <i>k</i>	<i>a</i>
Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>	
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail <i>k</i>	<i>a</i>
Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>	
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	<i>a</i>
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	<i>a</i>

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ^f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	^o
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	^a

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-4	35	10	25	50, or 35 within 100 ft. of any residential use or district

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

- ^a Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
- ^b Side setback is 30 feet where adjacent to single-family district.
- ^c For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
- ^d For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that:
 - (i) are either platted or lots of record existing prior to 3/3/97, and
 - (ii) are 75 feet in width or greater, but are less than 90 feet, and
 - (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
- ^e Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- ^f Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- ^g Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- ^h For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
- ^j Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
- ^k Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
- ^m Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

BUFFER YARD REQUIREMENTS

Orange County Code Section 24-5.

Buffer yards prescribed are intended to reduce, both visually and physically, any negative impacts associated with abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

(a) **Buffer classifications:**

- (1) **Type A, opaque buffer:** This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
- (2) **Type B, opaque buffer:** This buffer classification shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (general and light) (I-2/I-3 and I-1/I-5) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (3) **Type C, opaque buffer.** This buffer classification shall be used to separate neighborhood retail commercial (C-1) and industrial-restricted (I-1A) from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (4) **Type D, opaque buffer:** This buffer classification shall be used to separate professional office (P-O) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (5) **Type E, mobile home and RV park buffer:** This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.
- (6) **Type F, residential subdivision buffer:** See subdivision regulations (Chapter 34, Orange County Code).

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

CASE # RZ-20-04-027

Commission District: #5

GENERAL INFORMATION

APPLICANT	Guillermo Lopez, Loga Investments, LLC
OWNER	Loga Investments, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	5421 Old Cheney Highway; or generally north of Old Cheney Hwy, approximately 170 feet west of Truman Road
PARCEL ID NUMBER	21-22-30-7204-12-070
TRACT SIZE	0.14-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred and sixty-five (165) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	One (1) Single-Family Residential Unit

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

This subject property is located within the S.R. 436/S.R. 50 Corridor Overlay District, north of Old Cheney Highway, approximately 170 feet west of Truman Road. The 50-foot lot was originally platted as two 25-foot lots (Lots 7 & 8). Currently, the aggregated lot is undeveloped.

Through this request, the applicant is seeking to rezone the subject property in order to construct one (1) single-family dwelling unit. The minimum lot width for R-1A requires 75 feet. The proposed R-1 requires a minimum of 50 feet, which the applicant will be able to comply with for the purpose of constructing one (1) single-family dwelling unit.

The immediate area can be characterized as developed with single-family lots that range from 50-foot wide lots to 100-foot wide lots in the R-1A and R-2 zoning districts. The zoning districts on the surrounding parcels have been established since 1957.

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The subject property is located within the S.R. 436/S.R. 50 Corridor Overlay District. The general purpose of this overlay district is to prohibit certain commercial uses.
Airport Noise Zone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This subject property is located within Airport Noise Zone "D". Any required noise mitigation will be required at the time of permitting.
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The subject property has an underlying CP Future Land Use Map (FLUM) designation of Low Medium Density Residential (LMDR). The R-1 (Single-Family Dwelling District) zoning is consistent with the LMDR FLUM designation and the following Comprehensive Plan provisions:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the

location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Undeveloped
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1957) E: R-1A (Single-Family Dwelling District) (1957) W: R-1A (Single-Family Dwelling District) (1957) S: R-1A (Single-Family Dwelling District) (1957) <i>*No restrictions apply to the above zoning districts</i>
Adjacent Land Uses	N: Single-Family Residence E: Single-Family Residence W: Single-Family Residence S: Single-Family Residence

R-1 (Single-Family Dwelling Districts) Development Standards

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.

Building Setbacks

Front: 20 ft.
 Rear: 20 ft.
 Side: 5 ft.

Intent, Purpose, and Uses

The areas included within R-1 (Single-Family Dwelling District) is intended to be single-family residential areas with large lots and low population densities. Certain structures and uses required to serve educational, religious, utilities and noncommercial recreational needs of such areas are permitted within the districts as special exceptions.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes within the project area: An Orange County maintained sidewalk exist along Old Cheney Highway from N. Semoran Blvd. to E. Colonial Drive.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orlando Utilities Commission
 Waste Water: City of Orlando
 Reclaim Water: City of Orlando

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (June 5, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) The applicant was present and agreed with the staff recommendation. No members of the public were present during public comment to speak on this request.

Staff indicated that one hundred sixty-five (165) notices were sent to property owners extending beyond 800 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition to the request.

There was no discussion on the proposed single-family residential dwelling unit. A motion was made by Chairman Gordon Spears, and seconded by Commissioner Velazquez to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried unanimously.

Motion / Second	<i>Gordon Spears / Diane Velazquez</i>
Voting in Favor	<i>Gordon Spears, Diane Velazquez, JaJa Wade, Evelyn Cardenas, Jimmy Dunn, Nelson Pena, Carlos Nazario and Eddie Fernandez</i>
Voting in Opposition	<i>None</i>
Absent	<i>Mohammed Abdallah</i>

RZ-20-04-027



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Low Medium Density Residential (LMDR)

APPLICANT: Guillermo Lopez, Loga Investments, LLC

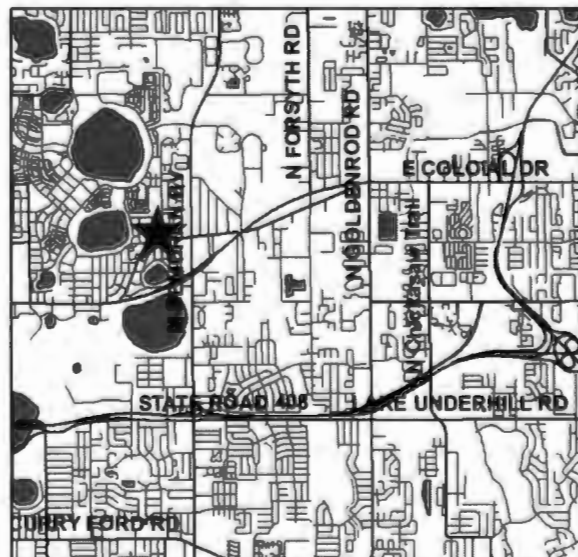
LOCATION: 5421 Old Cheney Highway; or generally north of Old Cheney Hwy, approximately 170 feet west of Truman Road

TRACT SIZE: 0.14-gross acre

DISTRICT: # 5

S/T/R: 21/22/30

1 inch = 125 feet



RZ-20-04-027



Subject Property



Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)

APPLICANT: Guillemo Lopez, Loga Investments, LLC

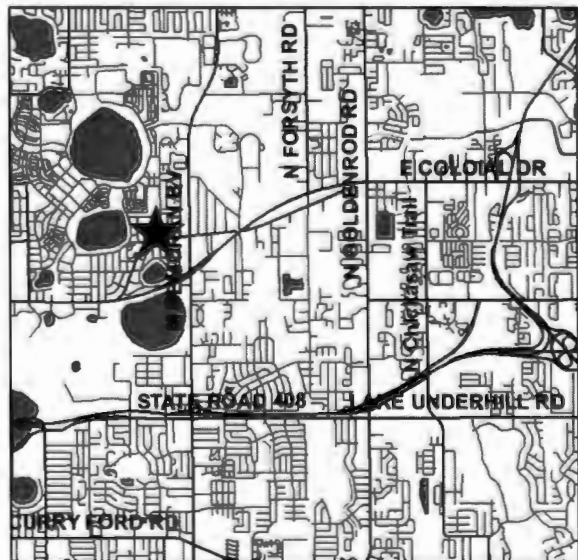
LOCATION: 5421 Old Cheney Highway; or generally north of Old Cheney Hwy, approximately 170 feet west of Truman Road

TRACT SIZE: 0.14-gross acre

DISTRICT: # 5

S/T/R: 21/22/30

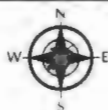
1 inch = 125 feet



RZ-20-04-027

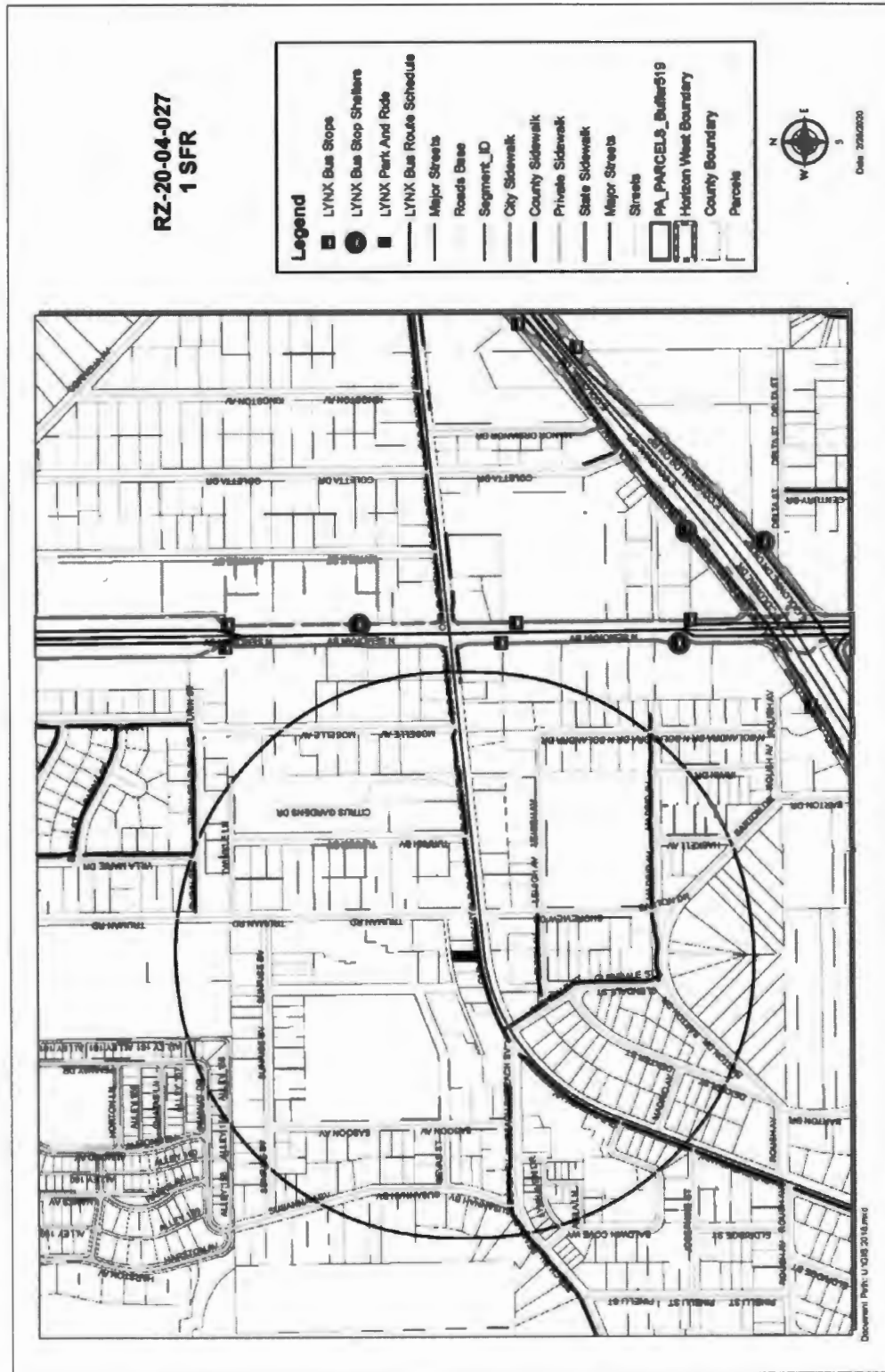


 Subject Property

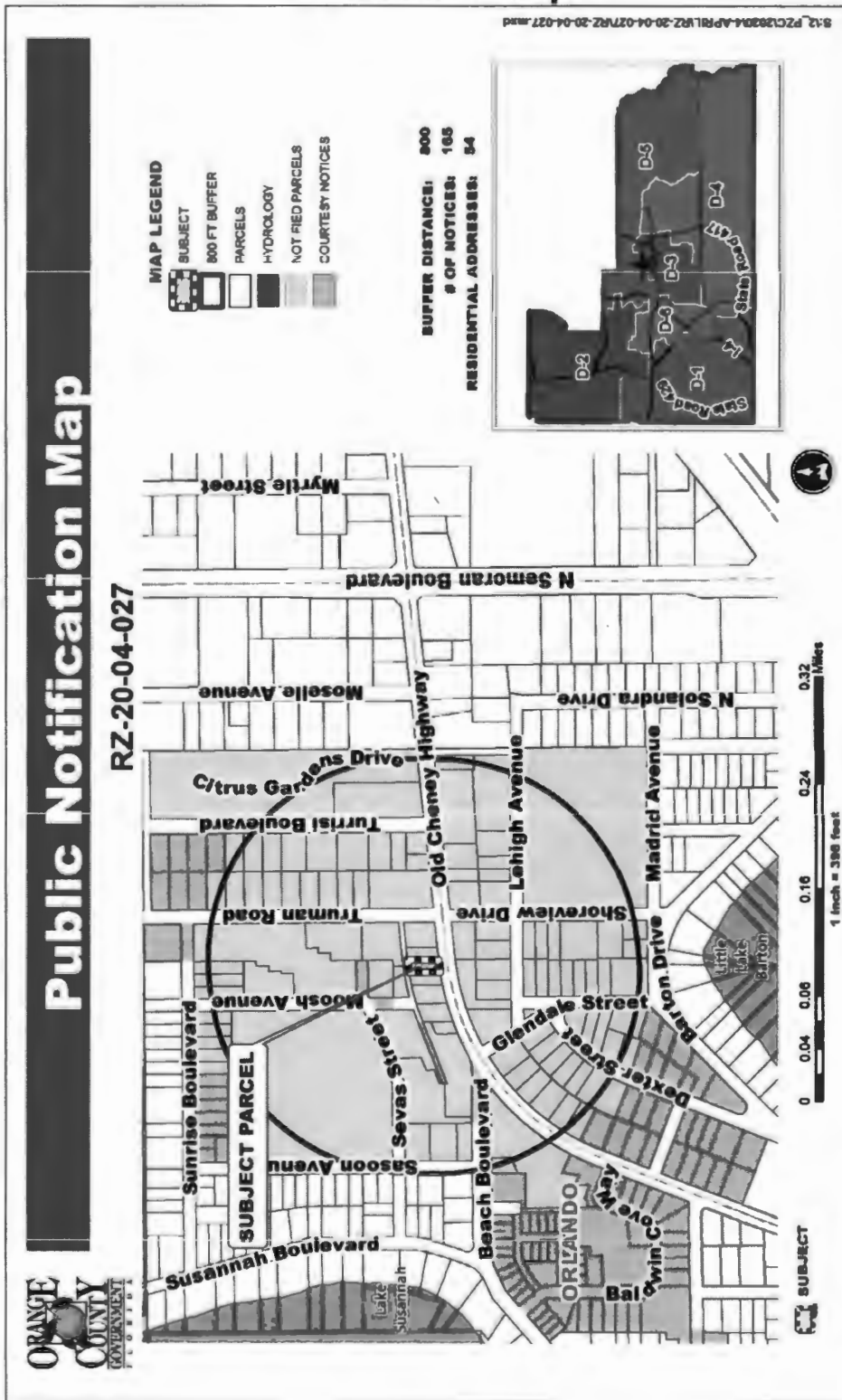


1 inch = 125 feet

Alternative Mobilty Area Context Map



Notification Map



CASE # RZ-20-04-028

Commission District: #3

GENERAL INFORMATION

APPLICANT	Glenn William Austin, G. William Austin Irrevocable Trust
OWNER	G. William Austin Irrevocable Trust
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1AA (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	3632 Bliss Avenue; or generally located north of Pershing Avenue, approximately 30 feet west of Bliss Avenue.
PARCEL ID NUMBER	12-23-29-0748-02-050
TRACT SIZE	0.26-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred and eighty-nine (189) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	One (1) Single-Family Residential Unit

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

This subject property is located within the Blissfield Homes subdivision north of Pershing Avenue, approximately 30 feet west of Bliss Avenue. The 60-foot wide lot was platted in 1955, and is currently undeveloped.

Through this request the applicant is seeking to rezone the subject property in order to construct one (1) single-family dwelling unit. The current zoning of R-1AA, requires a

minimum lot width of 85-feet. The proposed rezoning to R-1 would allow construction of one (1) single-family home on the 60-foot wide lot; as the minimum requirement is 50-feet. The immediate area can be characterized as developed, with a mixture of single-family detached dwelling units on 60-foot wide lots.

Land Use Compatibility

The R-1 zoning would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The subject property has an underlying CP Future Land Use Map (FLUM) designation of Low Density Residential (LDR). The R-1 (Single-Family Dwelling District) zoning is consistent with the LDR FLUM designation and the following Comprehensive Plan provisions:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or

conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Undeveloped
Adjacent Zoning	N: R-1AA (Single-Family Dwelling District) (1957) E: R-1AA (Single-Family Dwelling District) (1957) W: R-1AA (Single-Family Dwelling District) (1957) S: R-1AA (Single-Family Dwelling District) (1957) <i>*No restrictions apply to the above zoning districts</i>
Adjacent Land Uses	N: Single-Family Residence E: Single-Family Residence W: Single-Family Residence S: Single-Family Residence

R-1 (Single-Family Dwelling Districts) Development Standards

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.

Building Setbacks

Front:	20 ft.
Rear:	20 ft.
Side:	5 ft.

Intent, Purpose, and Uses

The areas included within the R-1 (Single-Family Dwelling District) zoning district is intended to be single-family residential areas with large lots and low population densities. Certain structures and uses required to serve educational, religious, utilities and noncommercial recreational needs of such areas are permitted within the districts as special exceptions.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes within the project area. There are Orange County maintained sidewalks along S. Summerlin Ave. from Baxter Street to Summer Winds Court. One single-family home is de minimus and a mobility analysis is not required.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orlando Utilities Commission
 Waste Water: City of Orlando
 Reclaim Water: City of Orlando

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (June 5, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

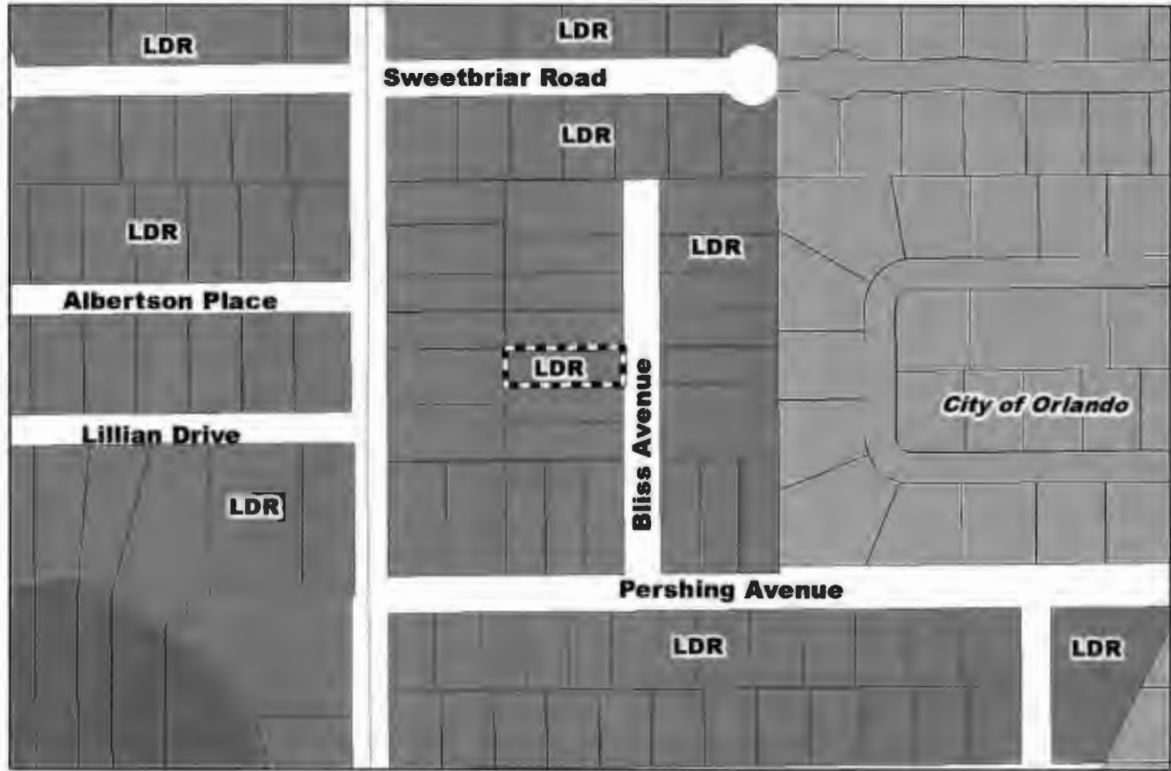
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) The applicant was present and agreed with the staff recommendation. No members of the public were present to speak on this request.

Staff indicated that one hundred eighty-nine (189) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition to the request.

There was no discussion on the proposed single-family residential dwelling unit. A motion was made by Commissioner Fernandez, and seconded by Commissioner Dunn to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried unanimously.

Motion / Second	<i>Eddie Fernandez / Jimmy Dunn</i>
Voting in Favor	<i>Eddie Fernandez, Jimmy Dunn, Mohammed Abdallah, JaJa Wade, Evelyn Cardneas, Diane Velazquez, Gordon Spears, Carlos Nazario, and Nelson Pena</i>
Voting in Opposition	<i>None</i>
Absent	<i>None</i>

RZ-20-04-028



 Subject Property   Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Glenn William Austin
 G. William Austin Irrevocable Trust

LOCATION: 3632 Bliss Avenue; or generally located north of Pershing Avenue, approximately 30 feet west of Bliss Avenue.

TRACT SIZE: 0.26-gross acre

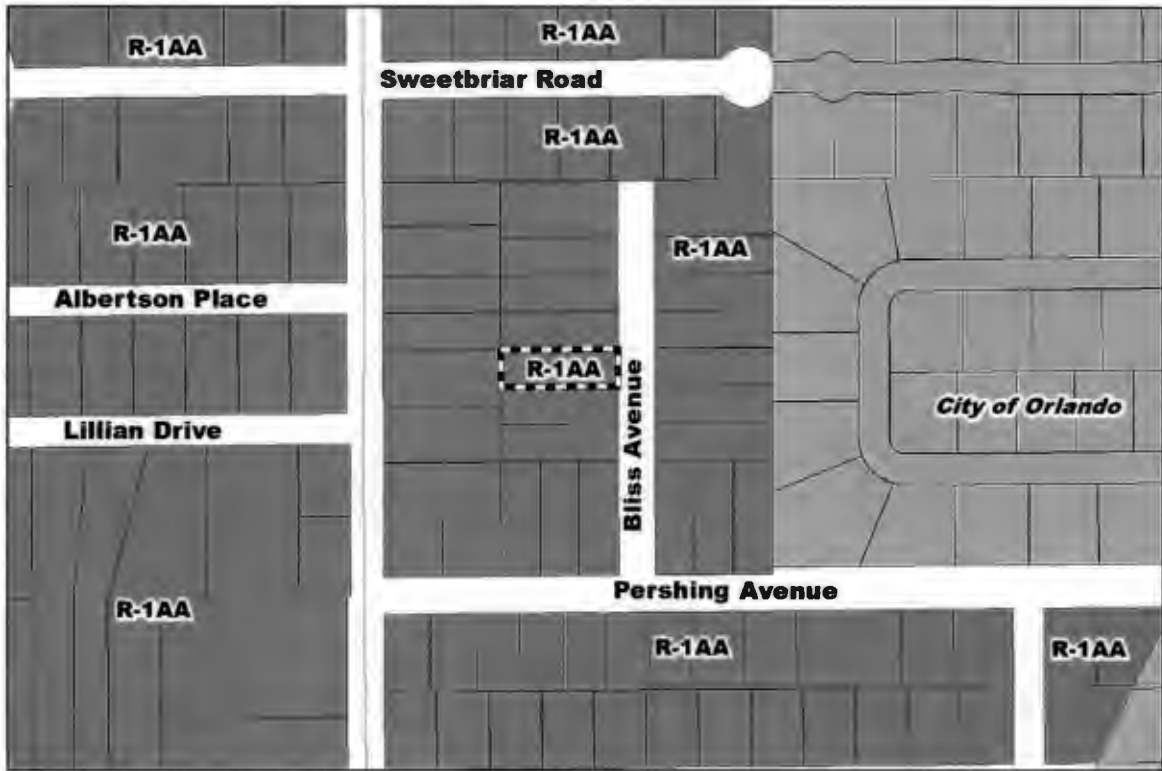
DISTRICT: #3

S/T/R: 12/23/29

1 inch = 240 feet



RZ-20-04-028



 Subject Property



★ Subject Property

Zoning Map

ZONING: R-1AA (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)

APPLICANT: Glenn William Austin
G. William Austin Irrevocable Trust

LOCATION: 3632 Bliss Avenue; or generally located north of Pershing Avenue, approximately 30 feet west of Bliss Avenue.

TRACT SIZE: 0.26-gross acre

DISTRICT: #3

S/T/R: 12/23/29

1 inch = 240 feet



RZ-20-04-028



 Subject Property



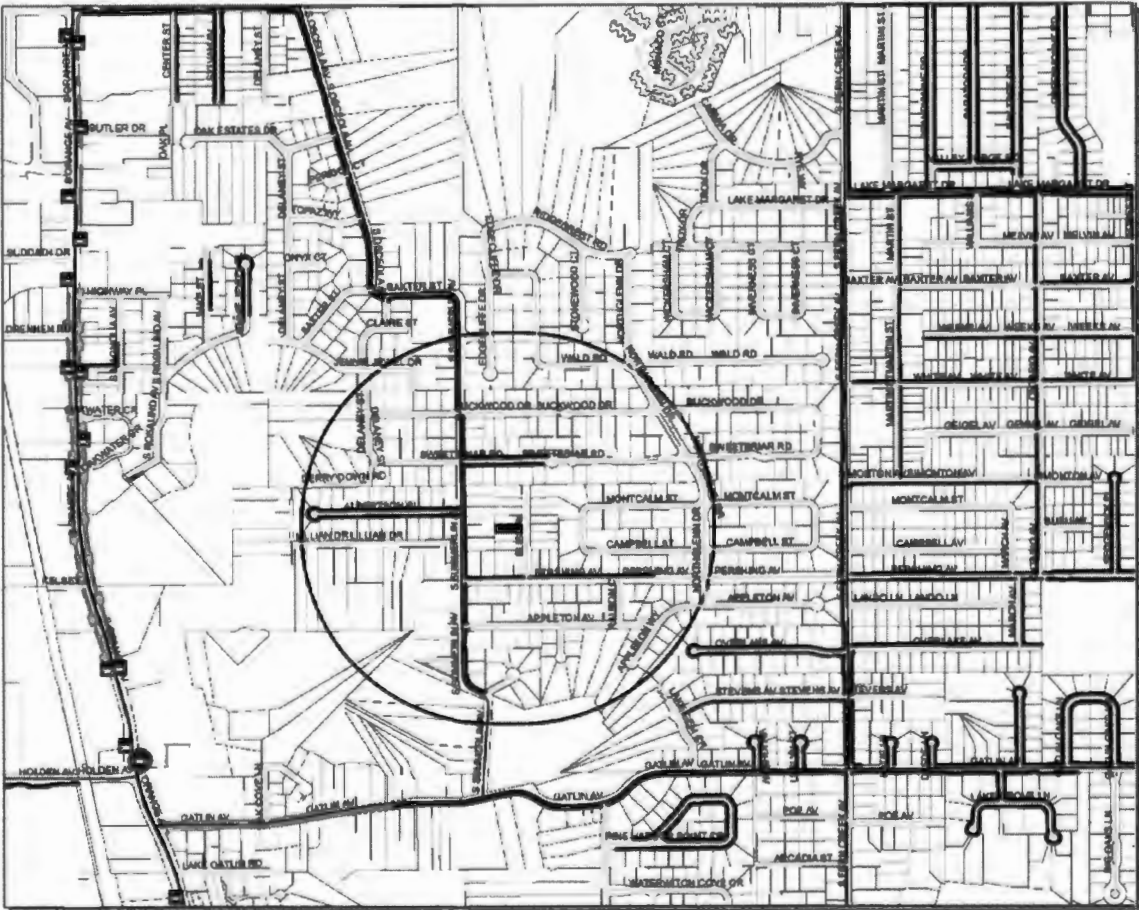
1 inch = 125 feet

Alternative Mobility Area Context Map

**RZ-20-04-028
 9 SFR'S**

Legend

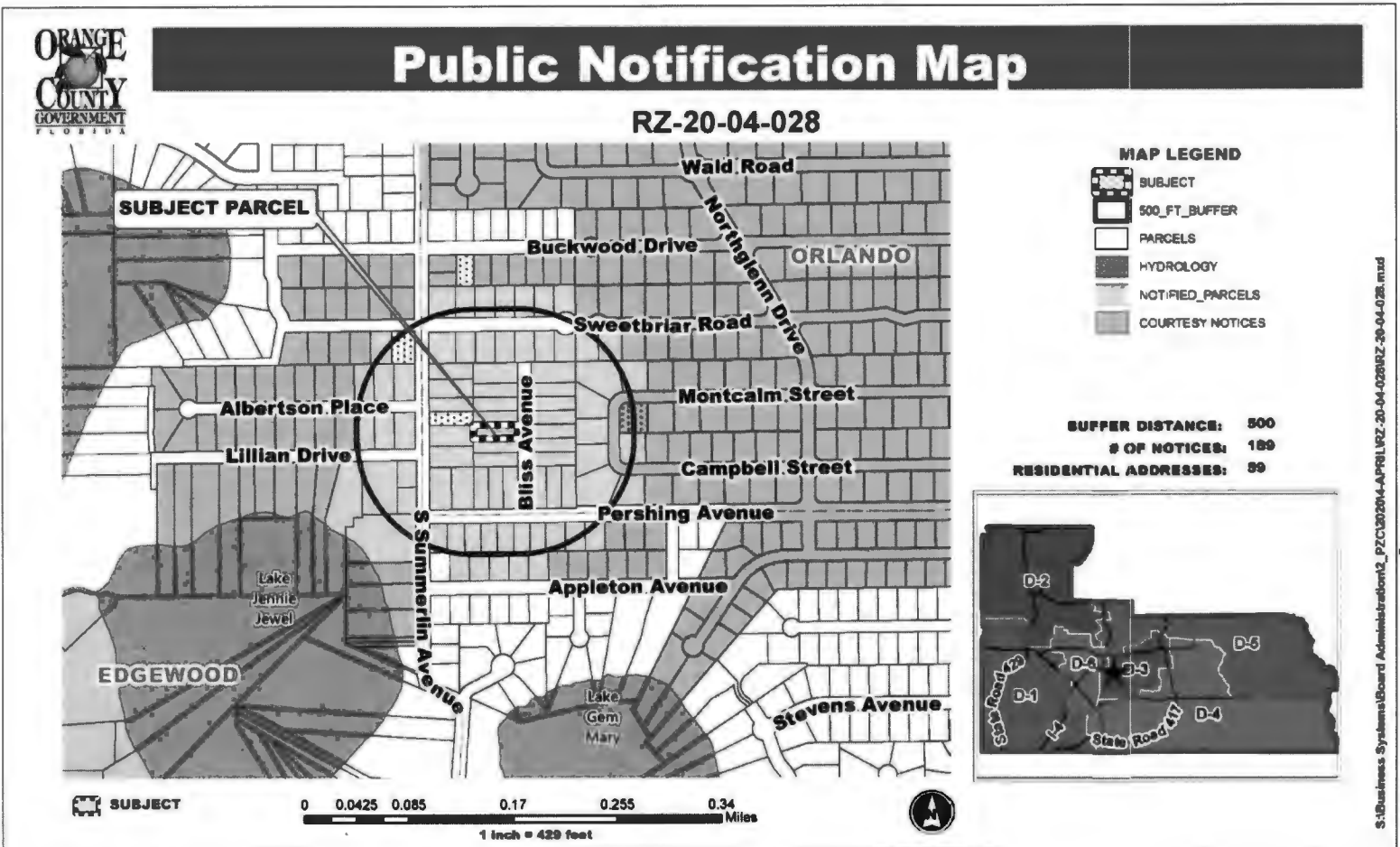
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- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Route SchedLife
- Major Streets
- Roads Base
- Segment_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- PA_PARCELS_Buffer518
- Horizon West Boundary
- County Boundary
- Parcels



Document Path: U:\GIS\2018.mxd

Notification Map

S:\Business\GIS\Projects\2014-2015\2014-APR\181\181-RZ-20-04-028\RZ-20-04-028.mxd



CASE # RZ-20-04-029

Commission District: #5

GENERAL INFORMATION

APPLICANT	Eugeno Rodriguez, Villarod, LLC
OWNERS	Villarod, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District)
LOCATION	3803 Rouse Road; or generally east of Rouse Road, south of Mcculloch Road and approximately 2,500 feet north of University Boulevard.
PARCEL ID NUMBER	04-22-31-0000-00-045
TRACT SIZE	2.57 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Forty-three (43) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	One (1) additional Single-Family Detached Dwelling Unit (pending lot split approval)

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning with the following restriction:

- 1) The subject property shall be limited to one lot split.

SUBJECT PROPERTY ANALYSIS

Overview

The subject property is currently developed with a single-family residence and has not been platted. It is a legal lot of record that has been recorded in early 1980's. The

surrounding area consists of single-family residences, office and commercial developments.

Through this request, the applicant is seeking to rezone 2.57 acres from A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District) to correct the Future Land Use inconsistency and allow the lot split in order to construct a single-family detached dwelling unit on the newly created eastern lot.

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR). The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the Low-Medium Density Residential FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to

ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Single-Family Dwelling
Adjacent Zoning	N: A-2 (Farmland Rural District) (1957) E: P-D (Planned Development) (1984) W: R-CE (Country Estate District) (1983) S: A-2 (Farmland Rural District) (1957)
Adjacent Land Uses	N: Container Nursery, Single-Family Dwelling E: Office W: Single-Family Dwelling S: Single-Family Dwelling

R-1 [Single-Family Dwelling District] Development Standards

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Living Area:	1,000 sq. ft.

Building Setbacks

Front:	20 ft.
Rear:	20 ft.
Side:	5 ft.

Intent, Purpose, and Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input type="checkbox"/>	<p>This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations may apply per Orange County Code Chapter 15 Article XI Section 15-442.</p> <p>Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.</p> <p>If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells.</p> <p>Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency database dated 3/18/2020, there is one (1) failing segment within the project area, University Boulevard from Dean Road to Rouse Road.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water:	Orange County Utilities	12-inch water main located within the Rouse Road right-of-way
Waste Water:	Orange County Utilities	Not currently available
Reclaim Water:	Orange County Utilities	Not currently available

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (June 5, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning subject to one restriction:

- 1) The subject property shall be limited to one lot split.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

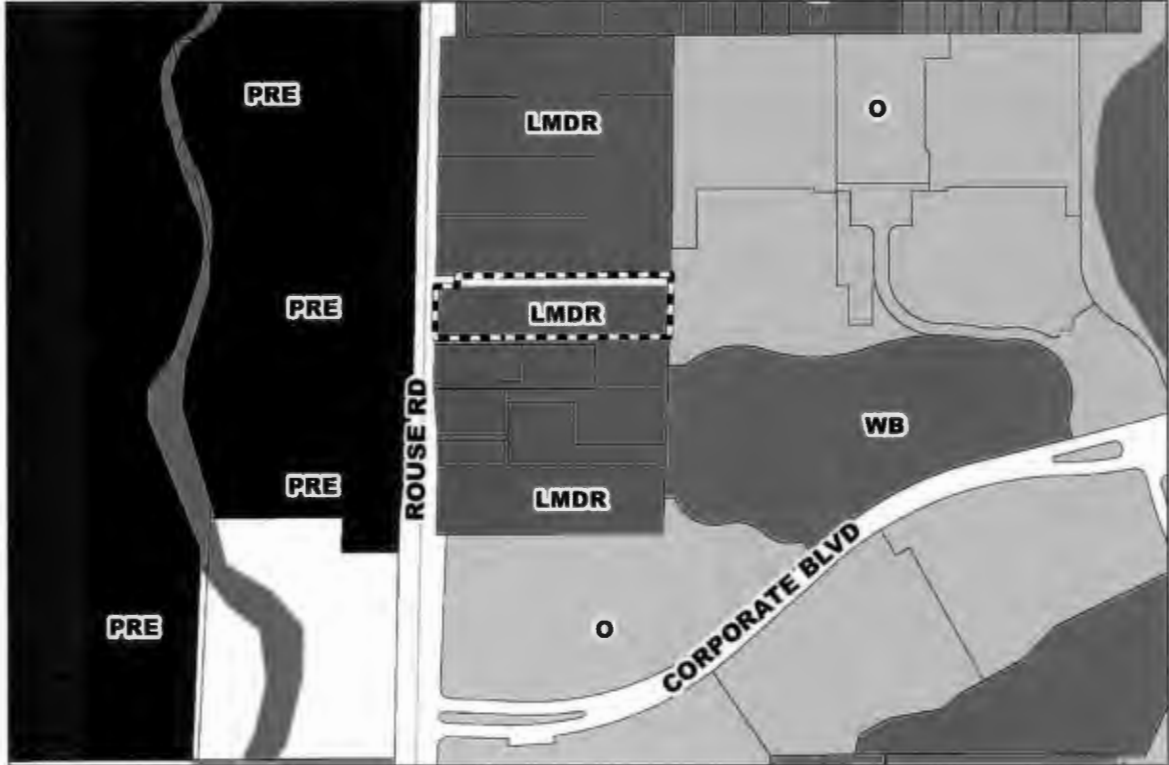
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District). No members of the public were present to speak on this request.

Staff indicated that forty-three (43) notices were sent to property owners extending beyond 600 feet surrounding the property, and that staff received zero (0) commentaries regarding this rezoning application.

After a short discussion, a motion was made by Commissioner Spears, and seconded by Commissioner Cardenas to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning subject to one restriction. The motion carried on a 9-0 vote.

Motion / Second	<i>Gordon Spears / Evelyn Cardenas</i>
Voting in Favor	<i>Gordon Spears, Evelyn Cardenas, JaJa Wade, Diane Velazquez, Carlos Nazario, Nelson Pena, Jimmy Dunn, Eddie Fernandez and Mohammed Abdallah</i>
Voting in Opposition	<i>None</i>
Absent	<i>None</i>

RZ-20-04-029



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Low Medium Density Residential (LMDR)

APPLICANT: Eugeno Rodriguez Villarod, LLC

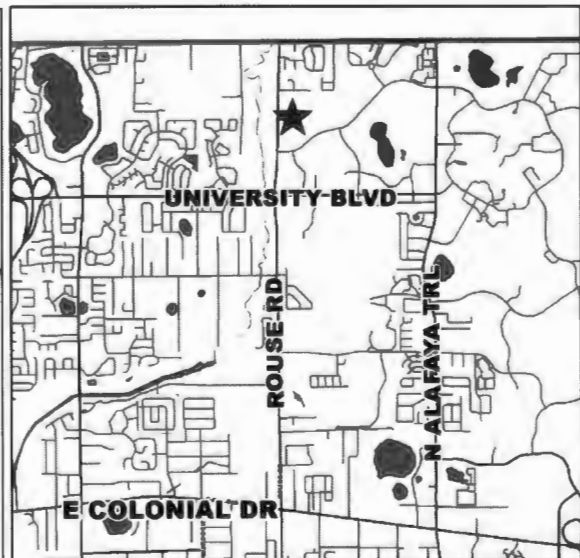
LOCATION: 3803 Rouse road; generally east of Rouse Road, south of McCulloch Road and approximately 2500 feet north of University Boulevard

TRACT SIZE: 2.57-gross acres

DISTRICT: #5

S/T/R: 04/22/31

1 inch = 417 feet



RZ-20-04-029



 Subject Property



★ Subject Property

Zoning Map

ZONING: A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District)

APPLICANT: Eugeno Rodriguez Villarod, LLC

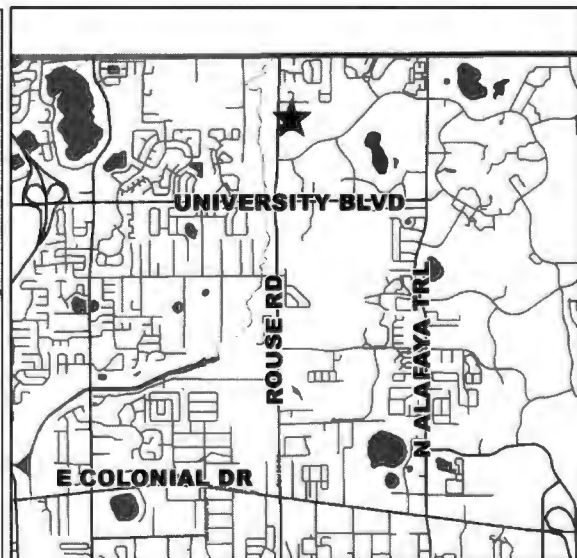
LOCATION: 3803 Rouse road; generally east of Rouse Road, south of Mcculloch Road and approximately 2500 feet north of University Boulevard

TRACT SIZE: 2.57-gross acres

DISTRICT: #5

S/T/R: 04/22/31

1 inch = 417 feet



RZ-20-04-029

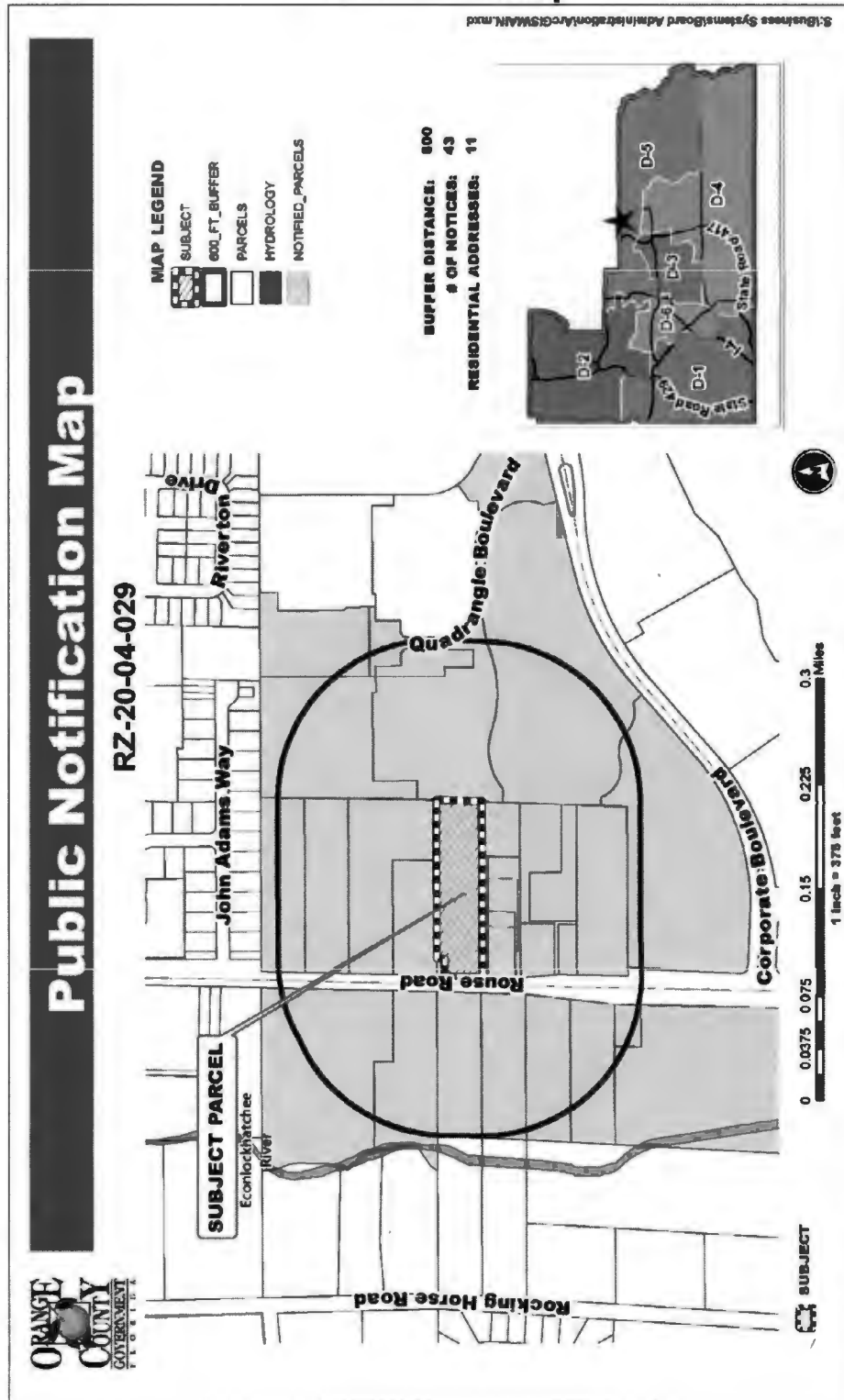


 Subject Property



1 inch = 330 feet

Notification Map



CASE # RZ-20-04-031

Commission District: #6

GENERAL INFORMATION

APPLICANT	Bob Ziegenfuss, Z Development Services, Inc.
OWNERS	104 Partners, LLC.
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-1 (Retail Commercial District) to C-2 (General Commercial District)
LOCATION	104 S. Kirkman Road; generally located at the southwest corner of S. Kirkman Road and W. Church Street.
PARCEL ID NUMBER	30-22-29-6426-01-091
TRACT SIZE	0.47-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 900 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred and sixty-eight (268) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	General C-2 uses.

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited.
- 2) Any outdoor storage on the subject site shall be completely enclosed by a minimum six (6) foot high opaque fence or wall and be located adjacent to the western property boundary, and no closer to the S. Kirkman Road right-of-way than the front façade of the principal structure.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the 0.47-acre property from C-1 (Retail Commercial District) to C-2 (General Commercial District) for general C-2 uses. The subject property is currently situated southwest of the South Kirkman Road and West Church Street intersection, approximately three hundred sixty (360) feet north of Old Winter Garden Road, in the Orlo Vista Safe Neighborhood. The site is designated as Commercial (C) on the Future Land Use Map (FLUM) and is currently undeveloped.

The surrounding area can be characterized as both commercial and residential in nature, with both commercial and office uses, and Orlo Vista Elementary School along South Kirkman Road, and low to medium density residential with some commercial uses along West Church Street. This parcel and the adjacent parcels within the block, were most recently rezoned in 1981, with a change of zoning from R-1 and C-1 to C-1 and C-2. The applicant has indicated they intend to develop a contractor shop with outdoor storage.

There are currently three restrictions on the property that were placed at the October 15, 1981 Board of County Commissioners meeting: 1) A six foot high fence on the West property line and no access to Hastings Avenue; 2) Landscaping setback along west property line; and, 3) One access point onto Kirkman Road and two access points onto West Church Street. The applicant has requested to remove all three restrictions.

Land Use Compatibility

The C-2 (General Commercial District) zoning would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-2 (General Commercial District) zoning is consistent with the Commercial FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: C-1 (Retail Commercial District) (1980) E: C-1 (Retail Commercial District) (1981) C-2 (General Commercial District) (1994) W: C-1 (Retail Commercial District) (1981) S: C-1 (Retail Commercial District) (1981) <i>* No restrictions apply to the above zoning districts</i>
Adjacent Land Uses	N: General Retail Commercial E: General Retail Commercial W: Vacant S: General Retail Commercial

C-2 (General Commercial District) Development Standards

Min. Lot Area: 10,000 sq. ft.
 Min. Lot Width: 100 ft. (on major streets, see Article XV)
 80 ft. (on all other streets)
 Max. Height: 50 ft. (35 ft. within 100 ft. of residential)
 Min. Floor Area: 500 sq. ft.

Building Setbacks

Front: 25 ft. (on major streets, see Article XV)
 Rear: 15 ft. (25 ft. when abutting residential)
 Side: 5 ft. (25 ft. when abutting residential)

Intent, Purpose, and Uses

The intent and purpose of this C-2 general commercial district are as follows: to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district will be encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood. Characteristically, this district occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district will be promoted within the urban service area or in rural settlements where uses of this intensity are already established. The general commercial district should not be located adjacent to single-family residential zoning districts.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code. Trade shops and contractor shops with outdoor storage is a permitted use within the C-2 General Commercial Zoning District, per Section 38-77.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes within the project area: There are existing State maintained sidewalk/bike path along S. Kirkman Road from Carter Street to W. Colonial Drive. Existing sidewalks maintained by Orange County are located along Old Winter Garden Road from N. Mission Road to S. Hiawassee Road. LYNX bus link #54 Old Winter Garden Road; #301 LYNX 3D Pine Hills / Animal Kingdom. There are six (6) bus stops and

			one (1) sheltered bus stop within the project area.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities A 4-inch forcemain is located within Kirkman and Hastings rights-of-way

Reclaim Water: Orange County Utilities Not currently available

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (June 5, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning subject to the following restrictions.

- 1) New billboards and pole signs shall be prohibited.
- 2) Any outdoor storage on the subject site shall be completely enclosed by a minimum six (6) foot high opaque fence or wall and be located adjacent to the western property boundary, and no closer to the S. Kirkman Road right-of-way than the front façade of the principal structure.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

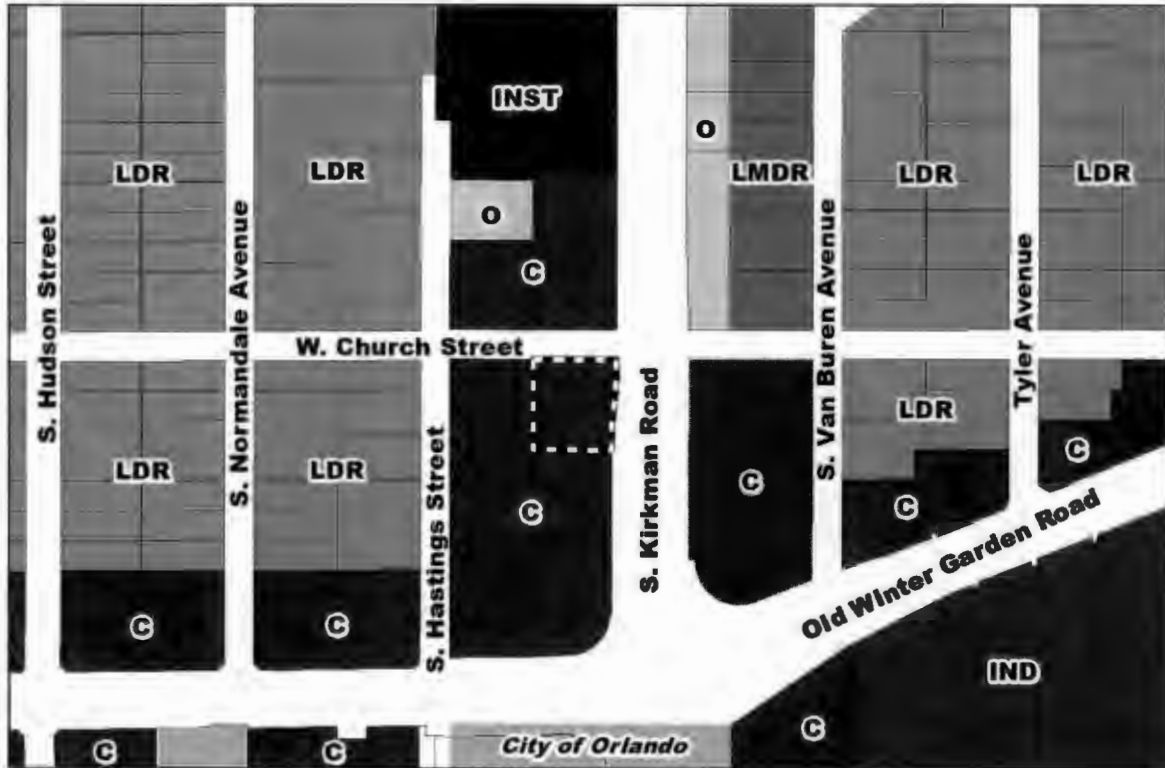
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District). No members of the public were present to speak on this request.

Staff indicated that two hundred sixty-eight (268) notices were sent to property owners extending beyond 900 feet surrounding the property, and that staff received zero (0) commentaries regarding this rezoning application.

After a short discussion, a motion was made by Commissioner Wade, and seconded by Commissioner Pena to recommend APPROVAL of the requested C-2 (General Commercial District) zoning district subject to restrictions. The motion carried on a 9-0 vote.

Motion / Second	<i>JaJa Wade / Nelson Pena</i>
Voting in Favor	<i>JaJa Wade, Nelson Pena, Evelyn Cardneas, Mohammed Abdallah, Diane Velazquez, Jimmy Dunn, Gordon Spears, Carlos Nazario, and Eddie Fernandez</i>
Voting in Opposition	<i>None</i>
Absent	<i>None</i>

RZ-20-04-031



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Bob Ziegenfuss, Z Development Services, Inc.

LOCATION: 104 S Kirkman Road; or generally on the southwest corner of S. Kirkman Road and W. Church Street, approximately 360 feet north of Old Winter Garden Road.

TRACT SIZE: 0.47 gross acres

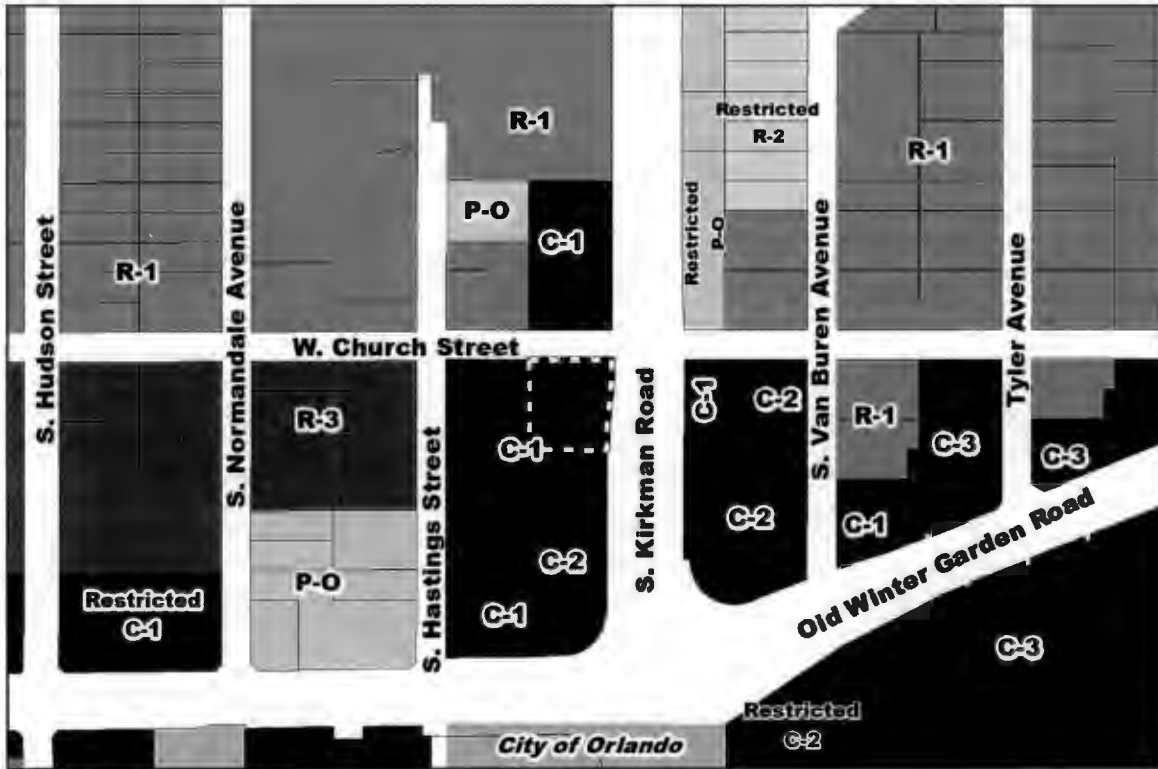
DISTRICT: # 6

S/T/R: 30/22/29

1 inch = 250 feet



RZ-20-04-031



Subject Property



★ Subject Property

Zoning Map

Zoning: C-1 (Retail Commercial District) to C-2 (General Commercial District)

APPLICANT: Bob Ziegenfuss, Z Development Services, Inc.

LOCATION: 104 S Kirkman Road; or generally on the southwest corner of S. Kirkman Road and W. Church Street, approximately 360 feet north of Old Winter Garden Road.

TRACT SIZE: 0.47 gross acres

DISTRICT: # 6

S/T/R: 30/22/29

1 inch = 250 feet



RZ-20-04-031

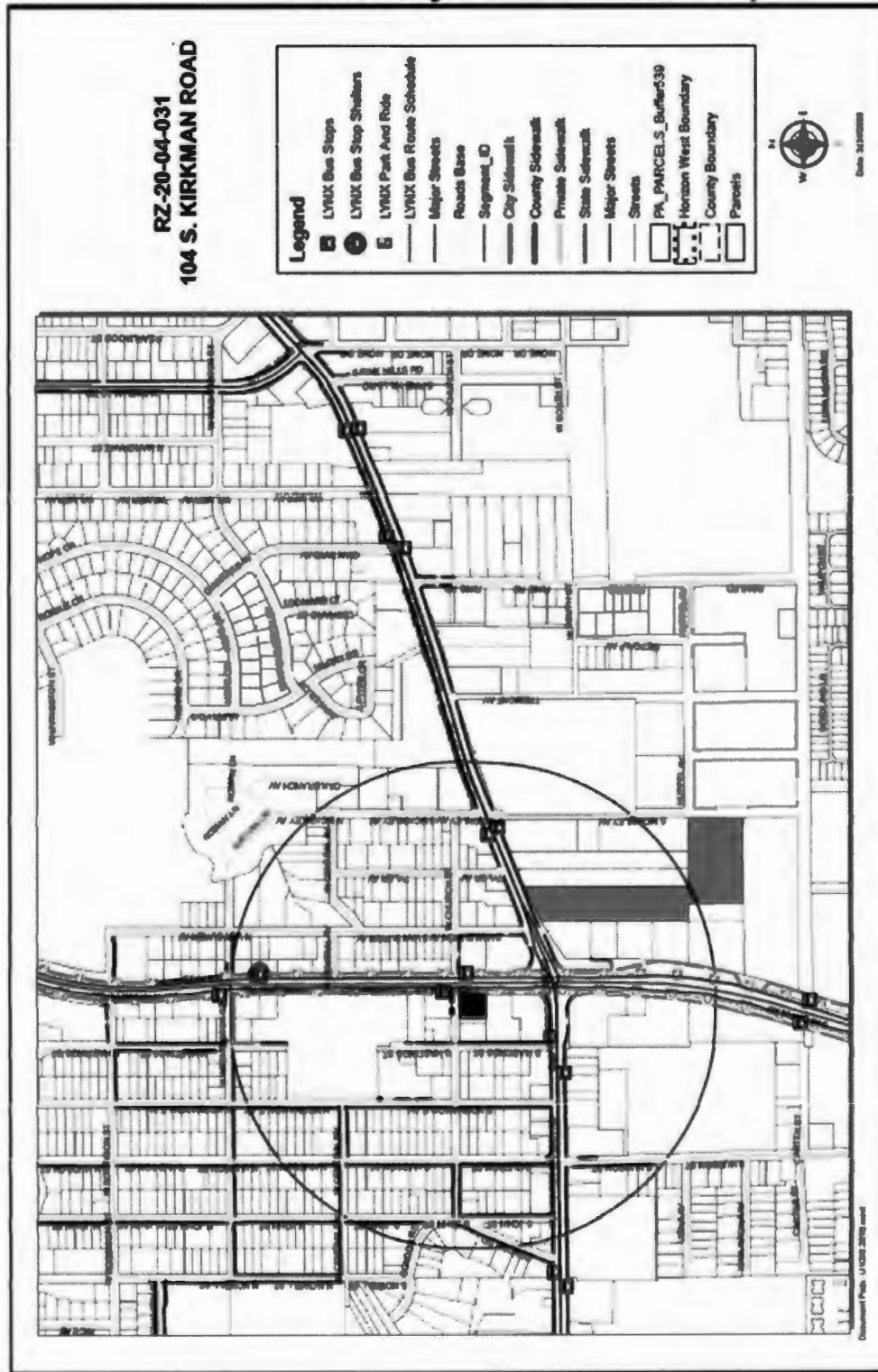


 Subject Property



1 inch = 200 feet

Alternative Mobilty Area Context Map



Notification Map

